

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4336 of 2020

Prince Kumar Son of Tej Narayan Mandal Resident of Village- Patehpur,
P.O.- Patehpur, P.S.- Nath Nagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Special Work Officer Central Chayan Parishad (Forest Guard) Bihar, Sarkar.
2. The Director General of Police Bihar, Patna.
3. The Chairman Central Chayan Parishad, Bihar, Patna.
4. The Secretary Central Chayan Parishad, Bihar, Sarkar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Poddar Suresh Gandhi, Adv
For the Respondent/s	:	Mr.Manish Kumar (Gp4), Adv
For the C.S.B.C.	:	Mr. Sanjay Pandey, Adv
		Mr. Binod Kumar Mishra, Adv
		Mr. Vivek Anand Amritesh, Adv

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 08-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for directing the respondents to constitute the Medical Board for Medical Examination of the petitioner and on the basis of medical report, declare the petitioner in the list of successful candidate and further direct to join the petitioner as forest guard.

3. Counsel for the petitioner submits that the petitioner has got himself checked up by one of the Doctor of Jawaharlal Nehru Medical College and Hospital Bhagalpur who has granted the certificate that he is totally fit and he does not



possess know-knee. Therefore, he submits that petitioner may be granted opportunity and order for constitution of Medical Board be directed again, so that fresh medical examination of the petitioner shall be taken place. Counsel for the petitioner relied on the Judgment of this Hon'ble Court vide order dated 13.12.2012 in C.W.J.C. No. 22594 of 2012 (Vivek Bansal Vs. the Union of India)

4. Counsel for the Selection Board raised objection and submits that the writ petition of the petitioner shall be dismissed because of two reasons. First reason, he has assigned in the counter affidavit is that petitioner has obtained total 145.33 in the written examination whereas the cut-off marks in his category i.e. E.B.C.-M-FFW category is 154.67 and in addition to that the petitioner has been disqualified because he possess knock-knees. He further submits that the same Medical Board has examined all successful candidates who had qualified for Medical Examination and by virtue of the examination of Medical Board, some of the persons were selected and some of the persons were rejected. Therefore, allegation of mala-fide conduct by the Medical Board is not proper and it may be rejected. Counsel submits that in this regard, series of orders have been passed by this Hon'ble Court and one of such



decision he has annexed as Annexure-F i.e. C.W.J.C No. 24403 of 2019 (Aram Sagar Sah Vs. State of Bihar) vide order dated 31.01.2020 in which this Hon'ble Court has refused to interfere with the result which has been published. Subsequently, he relied on another case dated 22.12.2023 passed in C.W.J.C. No. 3424/2020 (Rita Kumari Vs. The State of Bihar).

5. Upon perusal of the judgment on which counsel for the petitioner relied i.e. in C.W.J.C. No. 22594 of 2012 (Vivek Bansal Vs. the Union of India), it transpires to this Court that this Judgment shall not help the petitioner as in the said case, matter relating to Speech is involved and not of Knock-Knee.

6. Upon going through the pleadings, it transpires to this Court that there are two defects. The first is of less marks obtained by the petitioner than the Cut-off marks and second is that the same Medical Board has examined all the candidate in which some have declared successful and some have declared unsuccessful and particularly, in the light of the decisions made by this Court in C.W.J.C No. 24403 of 2019 and in C.W.J.C. No. 3424/2020, this Court is not



inclined to interfere in the decision and the result published.

7. Accordingly, the present writ petition is hereby dismissed.

(Dr. Anshuman, J)

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