

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7530 of 2022

Nikhil Kumar Son of Sharvan Pandit resident of Awash Board, Ward No. 02
P.O.- Koshi College, P.S.- Muffasil Ranko, District- Khagaria- 851205, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, Government of Bihar, New Delhi
2. The Secretary, Ministry of Defence, Government of Bihar, New Delhi
3. The DDG Recruiting, Head Quarter RTG Zone, Bihar and Jharkhand, Danapur Contonment, Patna.
4. The Army Recruiting Office, Katihar, Sirsa Military Camp, Katihar- 854106
5. The Director Recruiting Army Recruiting Office (ARO), Katihar.
6. The Branch Recruiting Officer, Katihar.
7. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
8. The Superintendent, Patna Medical College, Patna
9. The Civil Surgeon, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pratik Kumar Sinha, Advocate
For the Union of India	:	Mr. Kumar Sachin, C.G.C.
For the State	:	Mr. Birju Prasad, GP-13
		Mrs. Shweta Anand, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-02-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. (i) To issue a writ of Mandamus upon the respondents no. 4 and 5 to consider his case of medical re-examination by a team of expert doctors and thereupon allow him to appear in written examination *on the ground that consequent upon competing of physical examination he has been declared*



disabled due to overriding toes bilateral fourth toe "HYPOPLASIA" by the army respondent authorities;

(ii) Alternatively issue order or orders, direction or directions preferably a writ of Mandamus upon the respondent authorities directing them to get the petitioner medically examined by the local government doctors or by the doctors of Patna Medical College and Hospital, (in short "PMCH").

(iii) To issue a writ of Certiorari quashing the order as contained in letter no. 52201/RTI/D dated 16/2/2022 of the A.R.O., Katihar by which the same informed that no review is permitted as opinion of the expert is final as per para 14 of the SAO 6/S/2005/Rig;

(iv) To issue further order/orders or writ/writs or direction/directions, preferably a writ of mandamus directing respondent authorities in the meantime to allow the petitioner to appear in written examination."

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the respondents authorities for redressal of his aforesaid grievances. Liberty, so sought, is granted.



3. The present writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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