

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7974 of 2018

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Krishna Kumar Son of Shri Bind, Resident of Village-Datauli, Police Station-
Chanari, District-Rohtas Sasaram.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Government of Bihar, Patna.
3. The Additional Director General, Bihar Military Police, Government of Bihar, Patna.
4. The Commandant, Bihar Military Police-6 B.M.P-6, Muzaffarpur. Bihar.
5. The Central Selection Board Constable Recruitment, Government of Bihar, Patna through its Secretary

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Madhu Prasun Mr. Jitendra Kumar, Adv. Mr. Himanshu Shekhar, Adv
For the Respondent/s	:	Mr.Manish Kumar -Gp4
For the C.B.S.C.	:	Mr. Sanjay Pandey Mr. Binod Kumar Mishra Mr. Vivek Anand Amritesh

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-04-2024 Counsel for the petitioner and counsel for the State
and counsel for the C.S.B.C. are present.

2. The present writ petition has been filed for directing the respondent to provide joining to the post of Constable, B.M.P.-6, Muzaffarpur and to allow him to carry on his duties for which he is restrained without any notice or written order but only by way of oral order.

3. Counsel for the petitioner submits that the petitioner has participated in the physical test against Advertisement No. 01 of 2012 and recommendation letter has been issued by Central Selection Board Constable Recruitment, Government of Bihar, Patna and in the light of the said letter,



petitioner has joined his service in B.M.P.-6, Muzaffarpur. He further submits that he has served his duty till six months, and thereafter, one day he was sent for Medical Examination before the Chief Medical Officer, Muzaffarpur where he was declared as unfit because he was suffering from color blindness along with the four other persons. Counsel submits that petitioner has filed representation in this regard. He also got himself examined in B.H.U. where medical officer has ascertained that he was not suffering from color blindness.

4. Counsel for the State on the other hand submits that the eye checkup of the petitioner has been conducted twice, firstly, by Chief Medical Officer, Muzaffarpur, and secondly, by Medical Board of five persons who has found that the petitioner and others are suffering from color blindness, and therefore, there is no case of the petitioner for consideration, therefore, this writ petition is fit to be dismissed.

5. In response, thereof, counsel for the petitioner submits that Annexure-F is the chart in which there are name of seven persons who were found medically unfit by the Medical Board but out of seven persons, four persons were permitted to join their service and in this regard he has filed representation through his lawyer annexed as Annexure-4 dated 27.01.2018 but



his representation has not been taken into consideration as yet, thereafter, he has filed this writ petition. Counsel submits that on his representation there is no answer given in the counter affidavit also.

6. In the light of the submissions made, this Court is of the firm view that the case of the petitioner is squarely covered under 4(C) of Bihar State Litigation Policy, 2011 therefore, being the highest Official of Bihar Military Police, who is now Bihar Sashastra Police, it is directed to the petitioner to file his fresh representation within four weeks which he has raised in the present writ petition before the Director General of Police, Patna and the same is directed to consider the case of the petitioner in the light of 4(C) of Bihar State Litigation Policy, 2011 and pass reasoned and speaking order within 90 days from the date of receiving the representation.

7. It is made clear that the date of the said 90 days shall be counted from the date on which Lok Sabha Election concludes.

(Dr. Anshuman, J)

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