

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7973 of 2012

=====

DHARAM PRAKASH RAY Son Of Satish Ray Resident Of Village-
Hewatpur-Manpur, P.O.-Dighwara, P.S.-Dariyapur, District-Saran

... .. Petitioner/s

Versus

1. THE UNION OF INDIA through the Director General of Police, Central Reserve Police Force, (Home Affairs), New Delhi.
2. The D.I.G. Law, Directorate General, CRPF, New Delhi
3. The Inspector General Of Police, Bihar Sector, Central Reserve Police Force, Patna
4. The Dy. Inspector General Of Police, Group Centrepur, Central Reserve Police Force, Jhapahan, Muzaffar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Madhaw Prasad Yadav, Advocate
For the U.O.I.	:	Mr.Anshuman Singh, C.G.C.
	:	Mr.Ranjay Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 09-02-2024

Heard learned counsel appearing for the petitioner and
learned counsel appearing for the Union of India.

2. This writ application has been filed for quashing the order dated 02.01.2012 (Annexure-9) and order dated 21.07.2011(Annexure-6) passed by the respondent-CRPF, Patna whereby and whereunder the claim of the petitioner has been rejected by the CRPF-Authority.

3. Earlier the petitioner applied for the post of Constable (GD) in CRPF, he was qualified in all the examinations. Thereafter, he was called for the medical examination and the medical examination of the petitioner was conducted on



26.04.2011 and he was found medical unfit and the Doctor, who was examined to the petitioner, found that the petitioner is suffering from D.N.S. As per Rule, the petitioner is required to obtain a medical fitness certificate within 15 days and file an appeal within the aforesaid period but the petitioner has approached after expiry of the stipulated period. Thereafter the respondent-authority has not considered the appeal of the petitioner. Thereafter, the petitioner has approached this Court in CWJC No.13985 of 2011 which was disposed of on 06.09.2011 with the direction to the authority concerned to consider the case of the petitioner in accordance with law. Pursuant to the order passed in CWJC No.13985 of 2011, the petitioner has approached the respondent authority and the respondent authority, after due consideration of all the facts and relevant Rules, has rejected the claim of the petitioner vide order dated 02.01.2012. In the meanwhile, the petitioner has approached this Court for compliance of the order dated 06.09.2011 passed in CWJC No.13985 of 2011 in MJC No.5874 of 2011 which was disposed of on 08.02.2012.

4. Learned counsel for the Union of India submits that although he has not filed the counter affidavit but he has submitted that the petitioner is required to file an appeal within a period of



fifteen days alongwith fitness certificate but he has not filed the same within the stipulated period so the case of the petitioner did not consider by the respondent authority and even the contempt proceeding, which was disposed of on 08.02.2012.

5. This Court has not find that the respondent authority had not acted according to the order passed by this Court on 06.09.2011 in CWJC No. 13985 of 2011 and petitioner has not approached the authority concerned within time and even in the appeal he has not annexed the medical fitness certificate as required under the Rules and hence, there is no merit in the writ application. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2024
Transmission Date	NA

