

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14212 of 2024

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Anil Kumar Sahini Son of Ram Ekwat Sahini Resident of Village- Bharatpur
Singhara Post-Adalpur Police Station- Mahua District Vaishali, State-Bihar,
Pin 844126

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Insopector General Cum Director General of Homegard Bihar Patna.
4. The Superintendent of Police, Vaishali at Hajipur.
5. The District Magistrate, Vaishali at Hajipur.
6. The Commandent of Homegard Bihar, Patna.
7. The District Commandent Bihar, Homegard Bihar, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar, Adv
For the Respondent/s : Mr.Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2024 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. The present writ application has been filed for quashing
of the letter No. 2072 dated 21.10.2022 (Annexure-P/6) passed by
the District Commandant Bihar Homeguard, Vaishali, Hajipur by
which the selection of the petitioner has been rejected on the ground
that he was suffering from colour blindness.

3. Learned Counsel for the State submits that the
petitioner has relied on the Judgment of this Hon'ble Court dated
18.04.2023 passed in the case of *Nitin Chandra Vs. The State of
Bihar & Ors* in *C.W.J.C. No. 891 of 2023* in which liberty has been
granted to the petitioner to prefer appeal before the competent
Medical Board within 30 days and as the petitioner is in similar



footing, therefore, he shall also be granted liberty to prefer appeal before the Medical Board.

4. The operative part of the judgment on which the petitioner relied is as follows:

*‘In the opinion of this Court, the petitioner, if so advised, may seek his remedy by filing an appeal to the Medical Board through the Departmental Head (Prospective) of the applicant. If any such appeal is preferred within a period of 30 days from today, the same shall be considered by the competent Medical Board and an appropriate decision shall be communicated to the petitioner within 30 days from the date of submission of the appeal.
This writ application stands disposed of.’*

5. In the light of the observations made by this Hon’ble Court, in the case of **Nitin Chandra Vs. The State of Bihar & Ors** in **C.W.J.C. No. 891 of 2023**, the present writ petition is disposed off directing the petitioner to avail remedy by filing an appeal before the Medical Board through the Departmental head within 30 days from the date of production/receipt of the copy of this order and the Medical Board is directed to pass reasoned and speaking order within 30 days from the date of submission of the appeal.

(Dr. Anshuman, J)

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