

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18184 of 2024

Manjeet Kumar @ Manjeet Srivastava, S/o- Ashok Prasad, R/o village Rampurwa, PO Rampurwa, PS Majhauria, District West Champaran, Bihar-845454.

... .. Petitioner/s

Versus

1. The Union of India through the Director General CRPF (Recruitment Branch) East Block 7, Level 4, Sector 1, RK Puram, New Delhi 110066
2. The Deputy Inspector General (Recruitment) directorate general CRPF East Block 7, Level 4, Sector 1, RK Puram, New Delhi 110066.
3. The Second in command T. Rajesh Paul, presiding Office, DV/DME/B-1, RC, 20th Bn. SSB Sitamarhi.
4. The Commandant (medical)cum presiding officer, RME Board, SHQ, SSB, Muzaffarpur.
5. The Assistant Commandant Gyanendra Mohan, Board no 1, PST/PET at Rectt Centre, 20th Bn SSB Sitamarhi Member- II

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18148 of 2024

Ankit Kumar, Son of Sanjay Singh, Resident of Village- Sharma, P.S.- Sharma, District- Lakhisarai (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Home, New Delhi.
2. The Staff Selection Commission, through its Secretary, Block no. 12, CGO complex, Lodhi Road, New Delhi, 110003.
3. The Chairman, Staff Selection Commission, Block no. 12, CGO complex, Lodhi Road, New Delhi, 110003.
4. The Director General of Police, Central Reserve Police Force, New Delhi.
5. The Inspector General of Police, Central Reserve Police Force, Patna, Bihar.
6. The Dy Inspector General of Central Reserve Police Force, BSF Kishanganj, Patna, Bihar.
7. The Medical Officer, C.M.O. GC, Central Reserve Police Force, BSF Kishanganj, Bihar.
8. Review Medical Board, Sector HQ BSF Campus Kishanganj, Khagra Camp, Kishanganj, through Co-opted member (RME Board).

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 18184 of 2024)

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Jawed Gaffar Khan, Advocate

(In Civil Writ Jurisdiction Case No. 18148 of 2024)

For the Petitioner/s : Mr. Akash Shankar, Advocate

For the Respondent/s : Mr. Amish Kumar, Advocate

Mr. Aamir Hayat, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-12-2024

Heard learned Advocate for the petitioners and the learned Advocate for Union of India.

2. The petitioners, who are applicants for the post of Constable(GD) in relation to Central Armed Police Forces, SSF Rifleman (GD) in Assam Rifle, are aggrieved with the medical examination report and its review by the Review Medical Board whereby the petitioners have been declared unfit for having found squint in the eyes. The petitioners after having found successful in the written examination and final test allowed to appear in the medical test, wherein the petitioners were detected squint in the eyes, which led to disqualification of the petitioners.

3. Learned Advocate for the petitioners contended that the medical examination of the petitioner and its review by the Review Medical Board has not been processed in terms of the Revised Medical Guidelines, 2021 which clearly prescribes mandatory medical procedure to be



followed within specific and categorical medical opinion of specialist on the basis of findings and not in a mechanical manner.

4. It is the contention of the petitioners that in terms of the revised guidelines for review in Central Armed Police Forces and Assam Rifles for GO's and NGO's, it is specifically prescribed in Clause 6(d) thereof, that Review Medical Board may obtain opinion of concerned specialists or super specialists of Government Medical College and Hospital in case of any doubt. Therefore, in cases of rejection in Review Medical Examination, clinical findings should be corroborated with confirmatory tests/investigations/opinion of specialists/ super specialists of Government Hospitals/Medical Colleges/ Government approved private medical centers, whichever and wherever applicable.

5. It is also the contention of the petitioners that in identical situation, one of the candidate being aggrieved by the medical examination report and the report of the Review Board, approached before the Allahabad High Court in case of ***Mahesh Singh vs. The Union of India Ministry of Home Affairs & Ors.*** (*Writ no. 10400 of 2024*) wherein the Court having found that the prescriptions of the Medical Guidelines, 2021 has not been



followed, disposed off the writ petition with a liberty to the petitioner to move a fresh representation, raising his grievance with regard to the reports of Review Medical Board; and the revised guidelines of May, 2015 which were not followed, before the Commandant 3rd Battalion, SSB within next one week and in case such an application is moved, the respondent no. 5 was directed to consider and decide the same in terms of the revised guidelines.

6. On the strength of the afore-noted prescription under the revised guideline as also the medical tests undertaken by the petitioner by the different institutions, like NMCH, PMCH, IGIMS and AIIMS, Deogarh, the copies of which have been placed on record, learned Advocate for the petitioner vehemently submitted that the case of the petitioner is required to be re-considered by the Medical Board; as has also been done in the case of Mahesh Singh (*supra*) wherein, the learned Allahabad High Court in identical facts has given liberty to the petitioner to approach before the concerned authorities along with the subsequent medical reports and supporting documents.

7. On the other hand, learned Advocate for the Union of India, while countering the afore-noted submissions has drawn the attention of this Court to report of Medical Board



submitted that the petitioners were placed before the Review Medical Board for fresh examination and the Review Medical Examination conducted by R.M.E. Board of three medical officers again found the petitioners unfit. There is no provision of appeal against Review Medical Examination, thus, the claim of the petitioners does not find merit.

8. Having heard the learned Advocate for the respective parties and on going through the revised guidelines, 2021 for recruitment in Medical Examination in Central Armed Police Force and Assam Rifles, specially paragraph no. 54 and 72, this Court finds that it squarely deals with the ailment of the present writ petitioners.

9. This Court however, having gone through the materials is not in a position to come to the conclusion as to whether while examining the petitioners by the Medical Board and Review Medical Board, whether the revised guidelines 2021 has been given effect to or not.

10. In such circumstances, this Court deems it fit and proper to dispose off the writ petition in terms of the order passed by the learned Allahabad High Court, Lucknow Bench in Writ Petition No. 10400 of 2024 with a liberty to the petitioners to move a fresh representation alongwith all the medical reports



of the reputed medical hospital/institution raising his grievance with regard to Review Medical Board with a clear averment that the Revised Guidelines 2021 were not followed.

11. In case such a representation is filed before the respondent no. 2 and 4 or any competent authority preferably within a period of two weeks from today, they shall consider the grievance of the petitioners.

12. In case the claim of the petitioners finds favour and/or there shall be any infirmity in the report, the petitioners shall be given a further opportunity to be examined by the Review Medical Board afresh within a further period of two weeks.

13. The writ petitions stand disposed off with the liberty aforesaid.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
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