

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18890 of 2024

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Raghunandan Kumar, Son of Sri Shanti Prasad, Resident of Village- Baraon Kala, P.O.- Barao Kalan, P.S.- Akodhi Gola, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Home Affairs Department, New Delhi.
2. Staff Selection Commission, through its Secretary, Block No.-12, CGO Complex, Lodhi Road, New Delhi-110003.
3. Ministry of Personnel, Public Grievances and Pensions, Department of Personal and Training, Staff Selection Commission through its Secretary, Block-12, CGO Complex, Lodhi Road, New Delhi- 110003.
4. Director General, C.R.P.F. (Recruitment Branch), East Block- 07, Level-4, Sector-01, R.K.Puram, Ministry of Home Affairs, New Delhi- 110066.
5. Staff Selection Commission (Central Region), Through Regional Director, 34-A, M.G. Marg, Civil Lines, Kendriya Sadan, Prayagraj, U.P.-211001.
6. The Colonel, Boarder Security Force, Sector HQ B.S.F. Campus, Khagra Camp, Kishanganj, P.S.- Kishanganj, Bihar- 855107.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nand Lal Kumar, Advocate. Mr. Manish Kumar, Advocate. Mr. Rajeev Nayan, Advocate.
For the U.O.I.	:	Satyendra Kumar Jha, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-12-2024

Heard Mr. Nand Lal Kumar, learned counsel along with Mr. Manish Kumar and Mr. Rajeev Nayan, learned counsels appearing on behalf of the petitioner and Mr. Satyendra Kumar Jha, learned counsel for the Union of India.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, following relief(s), which is reproduced hereinafter:-



“That this application is being filed for issuance of an appropriate writ/writs, direction/directions to the respondents authorities to re-examine the petitioner in the light of revised guidelines as on May 2015 to constitute review Medical Board after following the revised guidelines and, thereafter, for taking necessary action for selection on the post of Constable (G.D.) in Central Armed Police Forces (CAFs), SSF, Rifleman (GD) in Assam Rifles Examination, 2024 in accordance with law.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is aggrieved by the Review Medical Examination Report dated 14.10.2024 contained in Annexure P/2A by which the Medical Board has found the petitioner unfit on the ground that he was suffering from hypertension. The blood pressure of the petitioner has been recorded as 145/90. The report contains some medical terms as well. It is contended on behalf of the petitioner that in accordance with Clause (e) of Para-7 of the Revised Uniform Guidelines for Review Medical Examination in Central Armed Police Force (CAFs) and Assam Rifles for GOs and NGOs (amendment thereof), the candidates whose candidature has been rejected on the ground of hypertension / tachycardia should be first admitted/hospitalized by the Board before giving their final opinion regarding the candidate's fitness or otherwise. From the report submitted by the Review Medical Examination Board, it is not clear as to whether the petitioner was hospitalized after getting detected with hypertension which may



be caused due to nervousness or any excitement at the time of his medical examination. On these ground, learned counsel seeks for medical re-examination of the petitioner by the Board.

4. *Per contra*, learned counsel appearing on behalf of the Union of India informs that he has no information as to whether the selection process is still going on or it has completed. He further informs that two medical boards were held, however, the Board has declared the petitioner unfit on the ground that he suffers from hypertension.

5. At this stage, Mr. Nand Lal Kumar Singh, learned counsel appearing on behalf of the petitioner informs that he has received instruction in the morning from the petitioner that final selection has not completed and therefore, the petitioner can be subjected for medical re-examination by getting him hospitalized in accordance with Clause (e) of Para-7 of the Guidelines and when he becomes normal, his blood pressure is required to be monitored.

6. Heard the parties

7. Having considered the rival submissions made on behalf of the parties, the Guidelines for Review Medical Examination (RME) in Central Armed Police Force & Assam Rifles enumerated in Para-7(e) of the Office Memorandum



dated 31.05.2021, are, inter alia, reproduced hereinafter:

“e) For candidates who have been rejected on the ground of hypertension/tachycardia should be admitted / hospitalized by the Board before giving their final opinion regarding the candidate’s fitness or otherwise. The hospitalization report should indicate whether the rise in blood pressure is of transient nature due to excitement etc. or whether it is due to any organic disease. In all such cases X-ray and electro-cardiographic examinations of heart and blood examinations like cholesterol / lipid profile, S. Creatinine etc. tests should also be carried out.”

8. From bare perusal of the Guidelines to be adhered for Review Medical Examination of a candidate’s fitness in so far as the candidature has been rejected on the ground of hypertension / Tachycardia, it appears that such candidate must be first admitted / hospitalized by the Board before giving their final opinion regarding the candidate’s fitness or otherwise. The hospitalization report should indicate whether the rise in blood pressure is of transient nature due to excitement etc. or whether it is due to any organic disease. In all such cases, X-ray and electro-cardiographic examinations of heart and blood examinations like cholesterol / lipid profile, S. Creatinine etc. tests should also be carried out. Entire guidelines suggests that mere detection of high blood pressure (Hypertension) cannot disentitle the candidature of a candidate without he is subjected to thorough examination, both physical as well as pathological, and hospitalization of such candidate.

9. I have perused the Review Medical Report of



the petitioner dated 14.10.2024, which has been brought on record by way of Annexure P2A, the same don't contain details of hospitalization of the petitioner as required in accordance with Clause (e) of Para-7 of the Guidelines for Review Medical Examination (RME) in Central Armed Police Force & Assam Rifles.

10. I will not enter into as to whether the petitioner has purposely not annexed such discharge certificate after having been hospitalized and having undergone the detailed medical examination including blood pressure monitoring time to time during the period of his hospitalization and I also don't like to make any comment in respect of the Guidelines which don't provide any time limit prescribing the period during which such candidates are required to be hospitalized to arrive at proper opinion in respect of hypertension.

11. However, in the facts and circumstances of the case and considering particularly Clause (e) of Para-7 of the Guidelines for Review Medical Examination (RME) in Central Armed Police Force & Assam Rifles, I find that the petitioner has made out a case for medical re-examination who has been detected with hypertension and the same has resulted into rejection of the candidature of the petitioner on the ground of



being medically unfit for the post of Constable (GD) in Central Armed Police Force (CAFs).

12. Learned counsel appearing on behalf of the petitioner has informed this Court that the selection process has not completed and the learned counsel appearing on behalf of the Union of India informs that as per the instruction, two medical boards were held, however, the Board has declared the petitioner unfit on the ground that he suffers from hypertension. Learned counsel is not aware as to whether the candidates who were detected with hypertension had undergone hospitalization strictly in accordance with Clause (e) of Para-7 of the Guidelines. He also informs that he has no instruction as to whether selection process has already completed as on date.

13. The Director General, C.R.P.F. (Recruitment Branch), New Delhi – respondent no.4 is directed to call for the particulars relating to the petitioner as well as the details relating to the medical examination of the petitioner held in course of selection procedure. The petitioner in the present writ petition has brought on record the Review Medical Examination Report dated 14.10.2024 and it has been objected by learned counsel appearing on behalf of the Union of India that the petitioner was subjected for Review Medical Examination on two occasions.



The Director General, C.R.P.F. Recruitment Branch, New Delhi must examine at his own level as to whether the petitioner was subjected to hospitalization once he was detected hypertension by the Review Medical Board and in case it is found that the petitioner was not hospitalized, then certainly, it will amount to violation of Sub Clause (e) of Para-7 of the Guidelines.

14. The above exercise must be completed well within a period of seven days from today, once the petitioner appears before the Director General, C.R.P.F. Recruitment Branch, New Delhi by 14.12.2024.

15. With the above observation/direction, the writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2024
Transmission Date	NA

