

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18900 of 2024

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Kunj Bihari Jha, Son of Jainath Jha, Resident of village and P.O.- Santnagar,
P.S.- Bhairavsthan Via Jhanjharpur, District- Madhubani, Pin Code- 847404.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, North Block, New Delhi, Pin Code- 110001.
2. The Staff Selection Commission, Block No. 12, CGO Complex, Lodhi Road, New Delhi, Pin Code- 110003 through its Secretary.
3. The Director General, CRPF (Recruitment Branch) East Block- 07, Level- 4, Sector- 01, R.K. Puram, New Delhi, Pin Code- 110006.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary, Advocate.
Mr. Shambhu Nath Jha, Advocate.
For the Respondent/s : Dr. Iti Suman, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-12-2024

Heard Mr. Kaushalesh Choudhary, learned counsel

along with Mr. Shambhu Nath Jha, learned counsel appearing

on behalf of the petitioner and Dr. Iti Suman, 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:-

*“(i) For quashing the letter dated 09.10.2024 issued
by the medical officer of 157 Bn BSF, Medical Officer-I,
Kisanganj Center, by which the memorandum of unfit has
been issued for the petitioner on the basis of verifying the
petitioner’s blood pressure stating as 160/100 mmHg.*

*(ii) For quashing the report dated 10.10.2024 issued
by the P.O. (RME Board), 123 Bn BSF, Kishanganj Sector,
Bihar.*

(iii) For issuance of appropriate direction to the



respondents concerned for staying the selection process of constable (GD) in Central Armed Police Forces (CAPFs) during the pendency of this writ application.

(iv) For issuance of appropriate direction to the concerned respondents to keep one post of constable (GD) in Central Armed Police Forces (CAPFs) for petitioner during the pendency of this writ application.

And/Or

(v) For grant of other relief/reliefs to which the petitioner may found entitled, on the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that the case of the petitioner is covered by the recent judgment passed by this Court **vide order dated 11.12.2024 in C.W.J.C. No. 18890 of 2024 (Raghunandan Kumar Vs. The Union of India & Ors.)**. Learned counsel submits that similar order be passed in the present case so that the petitioner who has been declared medically unfit for the post of Constable (GD) in Central Armed Police Force (CAFs) can get himself examined in the same manner, as has been provided in the case of **Raghunandan Kumar (supra)**.

4. Considering the relief as prayed for in the present writ petition and no objection on behalf of the Union of India, if the matter is required to be decided in light of the order dated 11.12.2024 passed in C.W.J.C. No. 18890 of 2024 (Raghunandan Kumar Vs. The Union of India & Ors.), the matter be referred to the Director General, C.R.P.F. Recruitment Branch, New Delhi – respondent no.3.



5. This Court vide order dated 11.12.2024 passed in C.W.J.C. No. 18890 of 2024 (Raghunandan Kumar Vs. The Union of India & Ors.) has, inter alia, passed main directions in Paragraph Nos. 7, 8, 11, 12, 13 and 14, which are re-produced hereinafter:

“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.

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.

6. The Director General, C.R.P.F. Recruitment Branch, New Delhi is directed to examine at his own level and see that whether the petitioner was subjected to hospitalization once he was detected hypertension by the Review Medical Board in accordance with Sub Clause (e) of Para-7 of the



Guidelines 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 for Review Medical Examination (RME) in Central Armed Police Force & Assam Rifles.

7. The petitioner is directed to appear before the Director General, C.R.P.F., Recruitment Branch, New Delhi on or before 15.12.2024.

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

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.12.2024
Transmission Date	N.A.

