

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1600 of 2019

In

Civil Writ Jurisdiction Case No.16076 of 2010

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1. The Deputy Inspector General of Police Group Centre, C.R.P.F. Muzaffarpur, Bihar.
 2. The Deputy Inspector General of Police Group Centre, C.R.P.F. Mokama Ghat, Bihar, District Patna.
 3. The Deputy Commandant Administration Group Centre, C.R.P.F. Mokama Ghat, Bihar, District Patna.
 4. The Commandant Staff, C/O D I G P, C R P F, Rampur Group Centre, C R P F Mokama Ghat, Bihar.
 5. The Commandant for Inspector General Bihar Sector, C R P F Patna.
 6. The Senior Medical Officer, The Commandant Rectt. Board AT Group Centre, Muzaffarpur, Bihar.
 7. The D I G P Group Centre, C R P F Muzaffarpur, Mokama Ghat, Bihar.
 8. The Competent Authority Composite Hospital, C R P F Muzaffarpur, Bihar.
 9. The Union of India through Senior Commandant, C R P F New Delhi.

... .. Appellant/s

Versus

1. Md. Imran Khan Son of Md. Ahsan Khan, Resident of Village-Raghunathpur, P.O.-Piroo, P.S. Haspura, District-Aurangabad.
2. The State of Bihar Bihar.
3. Prof. Dr. Ashok Kumar M D Fiacm, PMCH, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anshuman Singh (CGC)
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 02-04-2024

None appears for the respondent.



2. Matter is of the year 2019.

3. The appellant-Department have preferred the present LPA in assailing the order of the learned Single Judge dated 20.02.2019 passed in CWJC No. 16076 of 2010. Respondent-Md. Imran Khan was a candidate for recruitment to the post of General Duty Constable. During the process of selection he was found to be medically unfit resulted in filing of litigation, namely, CWJC No. 16076 of 2010. The learned Single Judge proceeded to pass the following order:-

For the aforesaid reasons, this Court completely rejects the opinion of the review Medical Board with respect to the unsuitability (medically) of the petitioner for being considered for his employment as General Duty Constable.

However, as have been noted earlier, the concerned respondents authorities, if represented by the petitioner, enclosing a copy of this order, within a period of four weeks from today, shall take a decision to accommodate the petitioner in any capacity commensurate with his qualification and availability of the post with the Establishment within a period of eight weeks thereafter. If that is not possible, any other decision keeping in mind that the future of the petitioner has been



completely marred, shall be taken.

*With the aforesaid
observation / direction, this writ petition stands
disposed off.*

4. Feeling aggrieved by the order of the learned Single Judge, appellant-Department assailed the order of the learned Single Judge. During pendency of the present LPA, on our request once again respondent-Md. Imran Khan was subjected to medical examination. Such a medical examination was conducted by the Army Hospital (R&R), Delhi Cantt-10 on 22.02.2023. Hospital Authorities forwarded confidential opinion in respect of medical examination of the respondent in which they have reiterated that respondent is medically unfit. Such an opinion has been taken on record which was produced in a sealed cover. After de-sealing the cover, we have noticed that respondent was medically unfit with reference to opinion of the Board of Officers of the Army Hospital (R&R), Delhi Cantt-10.

5. Taking note of these further development insofar as subjecting respondent for medical examination on more than one occasion and he was found medically unfit. Therefore, order of the learned Single Judge dated 20.02.2019



passed in CWJC No. 16076 of 2010 stands set aside. CWJC
No. 16076 of 2010 is dismissed. LPA allowed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
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