

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.43 of 2021

Abhinash Kumar, Son of Shiv Chandra Ray, Village- Sultanpur, Pachkatiya,
District-Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Home Secretary, Govt. of India, New Delhi
2. The Director General, CRPF (Recruitment Branch) East Block-07, Level-4,
Sector-1, R.K. Puram, New Delhi-110066, Ministry of Home Affairs.
3. The Additional Director General (Medical) Central Armed Police Force,
NSG and Assam Rifles, MHA, Iigri Cant Post Sangam Vihar, New Delhi-
110080.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Pd. Yadav, Advocate Mrs. Vijya Laxmi Srivastava, Advocate Mrs. Deepshikha, Advocate
For the Union of India	:	Mr. Anshay Bahadur Mathur, Advocate
For the AIIMS, Patna	:	Mr. Vinay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-01-2025

Heard Mr. Nagendra Prasad Yadav, learned Advocate
for the petitioner and Mr. Anshay Bahadur Mathur, learned
Advocate for the Union of India. All India Institute of Medical
Science, Patna is represented through Mr. Vinay Kumar Pandey,
learned Advocate.

2. In compliance with the order of this Court dated
27.10.2021, a report of Medical Examination of the petitioner,
duly conducted by the team of doctors of All India Institute of
Medical Science, Patna is presented in a sealed cover. The same
has been opened in presence of all the respective counsel and it
has been found that the team of doctors has opined as follows:



“1. The overall mean of blood pressure was within normal limits, however a few episodes of blood pressure readings above normal limits were noted during the 24 hours ambulatory recording.

2. Borderline tachycardia (Increased Heart Rate) was also noted.”

3. Notably, the instant writ petition has been filed seeking quashing of the letter dated 23.01.2020, issued by the Deputy Commandant Medical Officer Board-DME Centre 12th, BNSSB, Kishanganj by which the Doctor (Medical Board) had found the petitioner unfit due to the reason that the petitioner is suffering from hypertension and tachycardia. The petitioner also sought quashing of the letter dated 26.09.2020 issued by the Review Medical Examination Board.

4. It is the contention of the petitioner that he appeared for the post of constable (GD) Exam (2018) and in terms of the advertisement he was subjected to Medical examination wherein the Deputy Commandant (Medical) had diagnosed the petitioner is suffering from hypertension and Tachycardia and declared unfit for recruitment of constable (GD). In the aforesaid premise, the petitioner got himself medically examined in Sadar Hospital, Hajipur where the doctor has diagnosed that the petitioner is not suffering from



hypertension. Faced with such situation, this Court on the last occasion had directed the Director, AIIMS, Patna to examine the petitioner as to whether he is suffering from hypertension with tachycardia or not.

5. The report referred hereinabove clearly suggest that the petitioner is not suffering from hypertension and so far the tachycardia is concerned that is found to be at border line.

6. It is admitted case of the parties that the petitioner had appeared in the Written Examination, Physical Standard Test as well as Physical Efficiency Test and declared qualified. Whereupon, he was called for medical examination, however, he was declared unfit against which the petitioner preferred review, which also came to be rejected on being found unfit. These orders passed by the Medical Board and Review Medical Board were subject to challenge in the writ petition. However, the decision of the Medical Board and the Review Medical Board are not in conformity with the report of the Medical Board of AIIMS, who have thoroughly examined the petitioner pursuant to the direction of this Court and opined hereinabove.

7. In view of the aforementioned facts, for the ends of justice, this Court exercising the jurisdiction under Article 226



of the Constitution of India set aside both the orders dated 23.01.2020 as well as dated 26.09.2020 issued by the concerned authorities and remand the matter to respondent no.2 to consider the candidature of the petitioner for selection of constable (GD) in CRPF, if he is otherwise fit, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

8. The writ petition stands allowed to the extent indicated hereinabove.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2025
Transmission Date	NA

