

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10334 of 2022

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Ranjit Paswan S/o Yadunandan Paswan, Resident of Village Chinberiya, P.S.
Laxmipur, Dist. - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Jamui.
2. Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. Director General cum Commandant General, Home Guard and Fire Services, Bihar, Patna.
4. District Magistrate cum Chairman, District Selection Committee for Bihar Home Guard Force Fresh Admission/Empanelment, Jamui.
5. Superintendent of Police, Jamui.
6. Senior District Police Commandant, Jamui.
7. Sitaram Manjhi S/o Devi Manjhi, resident of Village Chinberiya, P.S. Laxmipur, Dist. - Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Shailesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-06-2025

Heard Mr. Prabhat Ranjan Singh, learned Advocate
for the petitioner and Mr. Shailesh Kumar, learned Advocate for
the State.

2. The petitioner is one of the aspirants for the post of
Home Guard in terms of Advertisement No. 02/2011; on being
aggrieved with the action of the respondent(s), he has
approached this Court seeking a direction upon the concerned
respondent, especially respondent no.4 to hold a fresh medical
test for him as he has been wrongly held medically unfit on the



basis of so-called infirmity i.e. colour blindness. The challenge is also made to the medical reports, whereby the petitioner has been declared unfit.

3. Learned Advocate for the petitioner submitted that in terms of the Advertisement No. 02/2011, the petitioner participated in the selection process and on being found physically fit, he was asked to participate in the medical test. In pursuance to the notice dated 18.04.2022, the petitioner ensured his presence and appeared for his medical test but he was declared unfit on account of colour blindness. Immediately, thereafter fresh notice was issued inviting all the candidates who were declared medically unfit to participate in the re-medical examination. The petitioner ensured his presence; however, on the re-medical examination test also, he was again declared unfit owing to colour blindness. Aggrieved with the medical report, the petitioner approached Jawaharlal Nehru Medical College & Hospital, Bhagalpur and got himself examined in the Ophthalmology Department. After proper examination, the doctor of the J.L.N.M.C.H., Bhagalpur found the petitioner fit and there was no deficiency, much less colour blindness. To support the aforesaid contention, O.P.D. slip issued by the J.L.N.M.C.H., Bhagalpur has been placed on record as



Annexure-5.

4. Referring to the supplementary affidavit, learned Advocate for the petitioner further contended that the petitioner also got examined himself at Rajendra Nagar Super Specialist Eye Science Centre on 21.09.2023 where also the Medical Officer has opined that the petitioner, no way suffers from colour blindness. On the strength of the aforesaid medical reports, submission has been made that a fresh Medical Board be constituted to verify the genuineness of the earlier two reports issued by the Doctors of the Selection Committee.

5. On the other hand, learned Advocate for the State submitted that it is the admitted position that twice the petitioner was subjected to medical examination and on both the times, the doctor of the Selection Committee opined that the petitioner suffers from infirmity of colour blindness. Hence, the petitioner has no locus to challenge the report of the doctors. The contention of the petitioner that the candidates who were declared unfit in the first round of medical test have been declared fit in the re-medical test reflects discrimination is without any substance and has no leg to stand as in the re-medical test, they have been declared fit whereas the petitioner has been declared unfit.



6. This Court has considered the submissions advanced by the learned Advocate for the respective parties.

7. Before parting with the case, it would be pertinent to note that while exercising the power of judicial review, the role of this Court is limited to the extent of examine decision making process and not the decision. Further the Court is not required to sit over the decision and adjudicate upon the correctness of the opinion, especially when the Court does not have expertise to decide as to whether the opinion of the expert is right or wrong.

8. The learned Division Bench of this Court in the case of **Union of India and Others v. Vikash Kumar [2016 (2) PLJR 281]** has emphasized that “*the report of the experts of the Review Medical Board cannot be interfered with only because some doctor opined the other way. If there is no allegation of bias or mala fide against any of the members of the Medical Board or the Review Medical Board, the conclusions drawn by the Medical Board cannot be negated on the basis of a civil doctor, unaware of the physical standards required in the Para Military Forces. The opinion of the Board or the Review Medical Board cannot be said to be inchoate, casual, perfunctory or vague as there is no material to say so. The*



learned Division Bench has observed that the High Court, in exercise of power of judicial review, should not have directed the medical examination by a doctor posted in the High Court and to order his appointment only on the basis of such report.”

9. In view of the settled proposition, this Court does not find any reason or occasion to interfere in the matter. Accordingly, the present writ petition stands dismissed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24-06-2025
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