

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2307 of 2017

Binod Paswan son of Jhapas Paswan resident of village - Bharatmahi, Post Office - Singhpur Haraiya, Police Station - Raxaul and District - East Champaran Bihar.

... .. Petitioner/s

Versus

1. The Union Of India through the Director, SSC, New Delhi.
2. The Inspector General, Frontier HQ, SSB Patna, Rukanpura, Patna - 12.
3. The Regional Director CR, SSC, Allahabad.
4. The Presiding Officer, Review Medical Examination Board, 44th Battalion, SSB, Narkatiyaganj.
5. The Examination Controller, Constable G.D. Reuritment, SSC, Allahabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No-2, Advocate
For the Respondent/s	:	Mr. Ratnesh Kumar, Sr. C.G.C. Mr. Aditya Anand, Advocate Mr. Rajiv Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-02-2025 Heard Learned Counsel for the petitioner and Learned Counsel for Union of India.

2. The present writ petition has been filed for setting aside the Letter/Order dated 15.09.2016 (annexed as Annexure-4) which was communicated to the petitioner by which he has been declared medically unfit for appointment to the post of Constable (G.D) in C.A.P.F and further for directing the respondent authorities to consider the case of the petitioner for preparing the merit list after conducting a fresh medical test of the petitioner by an independent expert Medical Board.



3. Learned Counsel for the petitioner submits that petitioner has appeared in the recruitment process for the post of Constable (G.D) in the year 2015. Thereafter, petitioner participated in the physical test and after passing the said physical test, he was called for written test and petitioner has passed the written test also. Thereafter, he was called for medical test scheduled on 06.06.2016 at the 44th Batallion, SSB, Narkatiyaganj, Bihar in which petitioner appeared in the medical test and was informed a day later through a memorandum dated 07.06.2016, that he was declared medically unfit on account of minced DNS, dropping of right shoulder with mild scoliosis and hearing deficit in left ear. Counsel further submits that petitioner preferred an appeal for review of his medical examination and petitioner appeared before the Review Medical Board and was accordingly examined and was again declared unfit on account of suffering from medical disabilities namely dropping of right shoulder with mild scoliosis.

4. Learned Counsel for the petitioner further submits that subsequently, petitioner appeared in a medical exam conducted by the Indian Army for the post of Constable (G.D) wherein after thorough medical examination, petitioner was



found to be medically fit for the post. Counsel further submits that in the medical test for the post of Constable (G.D) in Indian Army, he was found medically fit, but in the medical test of C.A.P.F., he was found medically unfit. Therefore, he has moved before this Hon'ble Court and filed this writ petition.

5. Learned Counsel for Union of India on the other hand submits that in the C.A.P.F., he has applied for Constable (G.D), whereas, in the Indian Army, he as applied for a technical post. Therefore, it may happens that the medical criteria for two different organizations may be different. Counsel further put emphasis that on the request of the petitioner, his Medical Board was reviewed and he was again found medically unfit.

6. In this view of the matter, since the matter is of nine years old and opportunity to review has been provided to the petitioner, therefore, this Court is not inclined to interfere in this matter, and hence, this writ petition is hereby dismissed.

(Dr. Anshuman, J)

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