

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.553 of 2022

In

Civil Writ Jurisdiction Case No.9905 of 2022

Vijendra Kumar Sah, S/o Shri Kameshwar Sahu, Resident of Village-
Bishanpur- Shivram, Ward No.- 6, P.S.- Balua Bazar, District- Supaul, Pin
Code- 854339.

... .. Appellant.

Versus

1. The Sate of Bihar through its Chairman, Central Selection Board (Constable Recruitment), Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawahar Lal Nehru Marg, Patna-800023.
2. The Chairman of Central Selection Board (Constable Recruitment), Sardar Patel Bhawan, 6th Floor, Block- A/626, Jawahar Lal Nehru Marg, Patna-800023.
3. The Principal Secretary Department of Home (Constable Branch), Old Secretariat, Patna, Bihar.
4. The Chief Conservator of Forest, Gosai Tala, Patliputra, Patna.
5. The Civil Surgeon-cum-Chief Medical Officer, Gardanibagh, District- Patna.
6. Medical Board Presided by Civil Surgeon-cum- Chief Medical Officer, Gardanibagh, District- Patna.

... .. Respondents.

Appearance :

For the Appellant	:	Mr. Awadhesh Kumar Mishra, Advocate. Mr. Shiv Pujan Sahay, Advocate. Ms. Pragati Singh, Advocate. Mr. Shashank Shekhar, Advocate. Ms. Shivani Mishra, Advocate.
For the State	:	Mr. Sarvesh Kumar Singh (AAG-13).
For CSBC	:	Mr. Sanjay Pandey, Advocate. Mr. Vivek Anand Amritesh, Advocate. Mr. Binod Kumar Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 29-04-2025

The appellant has assailed the order of the learned
Single Judge dated 22.09.2022 passed in C.W.J.C. No.9905 of



2022.

2. The matter was heard at length on 24.02.2025 and the following order was passed:

“Grievance of the appellant is that he is a candidate for recruitment to the post of Forester/Forest Guard in the Environment, Forest and Climate Change. He has been non-suited on account of unfit remark in the medical test that he is suffering from Colour Vision – Abnormal. To this effect, the Medical Board has given the finding on 06.05.2022. Perusal of the Medical Certificate dated 06.05.2022, it is not evident as to who is the ophthalmologist who has post graduation qualification. In order to give *quietus* to the litigation, let appellant be subjected to re-medical examination in the All India Institute of Medical Sciences, Patna. The Superintendent, AIIMS Hospital, Patna is requested to arrange for medical board to examine the physical fitness of the appellant only insofar as whether he has Colour Vision – Abnormal or not ? In this regard, if two ophthalmologist with post graduation are available, in that event, they may constitute a medical board consisting of two doctors and report shall be furnished in a sealed cover to this Court.

2. The appellant is hereby directed to bear the expenses and it is quantified at Rs. 5,000/- (Rupees Five Thousand). Five Thousand medical



fees shall be remitted in the Office of the Superintendent, AIIMS Hospital, Patna within a period of two weeks. The concerned authority is requested to furnish the medical report within a period of six weeks from today.

3. Copy of this order shall be furnished to the Superintendent, AIIMS Hospital, Patna.

4. Relist this matter on 28.04.2025.”

3. We are in the receipt of Disability Medical Board Opinion dated 28.03.2025 of the appellant issued by the All India Institute of Medical Sciences, Patna and it reads as under:

“Medical Board Opinion:

- Patient examined on 11.03.2025 and 25.03.2025 by Ishihara’s Pseudoisochromatic Plates and found defective for red-green colour blindness.
- However, a farnsworth-munsell 100 hue test/ farnsworth lantern color vision test is recommended for evaluation of ability to evaluate subtle colour differences and thus, the subject can be referred to a higher center for the same as this facility is not available at our institute.”

4. Having regard to the fact that matter relates to



recruitment to the post of Forester/Forest Guard in the Environment, Forest and Climate Change and vision is one of the eligibility for the purpose of field worker. Duties and responsibilities revolve around managing and conserving forest areas for multi purposes, like timber production, wildlife habitat protection, and environmental preservation etc., and ensure compliance with Environmental Regulations irrespective of day and night for which normal vision would mandate. Therefore, prima facie, appellant has not made out a case so as to interfere with the impugned action of the respondents insofar as disqualifying the appellant is concerned.

5. At this stage, learned counsel for the appellant vehemently contended that there is no prohibition or any criteria for the purpose of disqualifying a candidate for colour vision. In this regard, learned counsel for the appellant submitted that the Gujarat High Court has taken a decision that such a candidate is entitled to alternative job in the same department. Further, it is submitted that the Hon'ble Supreme Court interfered and drawn an inference in identical matter that candidates' eligibility is required to be considered. The same cannot be taken note of in view of the nature of the duties and responsibility of the Foresters/Forest Guards are concerned.



They will be on field duty. Their vision is one of the crucial issue for the purpose of selection and appointment.

6. Question of providing alternative job in the same department is not permissible for the reasons that there would be a violation of Articles 14 and 16 of the Constitution read with the relevant Rules of Recruitment. On this count, appellant has not made out a case.

7. Accordingly, the present L.P.A. No.553 of 2022 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2025.
Transmission Date	NA

