

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16325 of 2013

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Tarkeshwar Ram Son Of Butan Ram Resident Of Village - Nahasi, P.O.
Bagwa, District - Bhojpur Bihar

... .. Petitioner/s

Versus

1. The Union Of India
2. The Inspector General Of Police, Eastern Sector, Central Reserve Police Force, He Block, Sector - I
3. The Inspector General Of Police, Bihar Bihar C.R.P.F.
4. The Deputy Inspector General Of Police, Central Reserve Police Force, Group Centre, Japahan, Muzaffarpur
5. The Chief Medical Officer Nfsg , Recruitment Board, G.C. Muzaffarpur C.R.P.F.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr.CGC
		Mr. Rakesh Kumar Singh, CGC
		Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 7 12-12-2025 1. Heard learned counsel for the petitioner and

learned counsel for the respondents.
2. The petitioner has filed the instant application
for the following reliefs:

*“1. That the present writ petition is
being filed for the issuance of writ or writs,
order or orders, direction or directions to the
Respondent Authority for appointment of the
petitioner on the post of Constable Tradesman
who has found medically unfit on the ground of
disease namely Gynalomastia both side the*



medical test was held on 13.04.2012 and liberty was given Petitioner for re-check up within a period of fifteen days from the date of medical examination failing which the selection will be cancelled without further notice.

The grievance of the Petitioner in the present writ petition on the basis of instruction given by the Authority concerned the Petitioner has re-examined by the Medical Officer who has posted at Sadar Hospital, Ara and on 16.04.2012 the Petitioner was reexamined by the Doctor and after examination the Doctor has found the Petitioner medically fit for the said post and after submitting the report by the Petitioner before the Deputy Inspector General, Central Reserve Police Force, Japahan Muzaffarpur for review of medical examination and again the Authority concerned ahs found unfit on 28.06.2012 and thereafter the Petitioner has again examined in the Patna Medical College & Hospital, Patna for the said disease and after test the Doctor has again found normal on 17.08.2012.

As per the above facts its clearly indicate that the Petitioner is deliberately harassed by the Authority concerned because the Petitioner is reexamined two time by different Doctor and both of them has found everything is normal and the doctor has also issued Certificate that he is fut for service but the



Authority concerned always found unfit its indicate that the Medical Officer want some money for issuing the fitness certificate and the Petitioner is not in a position to fulfill the grievance of the Respondent No.5 due to this reason the Respondent No.5 always found unfit to the Petitioner. In such circumstances your Lordships may give direction to the Authority concerned to select the Petitioner on the said post for which the Petitioner was applied in the Central Reserve Police Force.

As per the finding of Medical Report upon which the Petitioner has been declared unfit due to the disease namely "Gynalomastia of both sides as per the meaning of the said disease in medial term "enlargements of barest (chest) in the male due to harmonic imbalance". The said disease is curable by therapy. The Petitioner got checked up by another Doctor and they have not found the said disease."

3. The case of the petitioner in brief is that the petitioner appeared for appointment on the post of Constable, Tradesman in the CRPF against admit card issued to him as contained in Annexure-1 wherein he was given Roll number 14092. The petitioner belongs to the category of Scheduled Caste.

4. It is submitted by learned counsel for the petitioner



that in the medical examination conducted on 13.4.2012, he was declared unfit by the Medical Officer for the reason of him suffering from Gynalomastia of both sides.

5. On appeal having been preferred, the diagnosis was confirmed in the Review Medical Board vide certificate dated 16.4.2012 (Annexure-3).

6. Learned counsel for the petitioner submits that thereafter the petitioner filed a representation before the Deputy Inspector General of Police, Muzaffarpur. The matter was considered by the respondent authorities and the Assistant Commandant (MIN) ES Headquarters, vide his letter dated 7.8.2012, taking into consideration the medical examination of the petitioner by a doctor of the Sadar Hospital at Ara wrote to the Deputy Inspector General of Police that since the review medical examination of the petitioner had been conducted under his arrangement, necessary action as deemed fit may taken in the matter. As such, learned counsel for the petitioner submits that the respondents be directed to get the petitioner re-examined and order for his appointment.

7. The application is opposed by the learned counsel for the respondents. It is submitted that the petitioner on his selection was medically examined and was found to be suffering



from the disease namely Gynalomastia of both sides. The said finding was confirmed even in the review medical examination of the petitioner conducted on 28.6.2012. In this view of the matter, the medical examination of the petitioner having been conducted on two occasions, no further relief can be granted to the petitioner and as such it is prayed that the writ application be dismissed.

8. Having heard learned counsel parties and having perused the contents of the petition, it is not in dispute that in the medical examination the petitioner was diagnosed with the disease of Gynalomastia of both sides which was confirmed in the review medical examination also.

9. In this view of the matter, the Court finds no merit in the instant writ application and the same is dismissed.

(Partha Sarthy, J)

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