

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.644 of 2022

In

Civil Writ Jurisdiction Case No.7419 of 2021

Kumari Devanti Gaur Daughter of Sri Kailash Prasad Gaur, Resident of Village and Post Pipra Jatanpur, P.S. Kuber Asthan, District- kushinagar, Uttar Pradesh, at present residing at C/o Sri Ambila Sah B. M. P. 6 Colony, P. O. H. P. O. Muzaffarpur (Bihar)

... .. Appellant

Versus

1. The State of Bihar X
2. Central Selection Board, Constable Recruitment, Bihar, Patna.
3. Chairman, Central Selection Board, Constable Recruitment, Bihar, Patna.
4. Secretary, Central Selection Board, Constable Recruitment, Bihar, Patna.
5. Superintendant of Police, Madhubani.
6. Civil Surgeon, Sadar Hospital, Madhubani.
7. Superintendent, Darbhanga Medical College Hospital, Laherisarai, Darbhanga.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Rajan Ghoshrave, Advocate
	:	Mr. Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mr. P.K. Verma (Aag3)
	:	Mr. Sanjay Kumar Ghoshrave, AC to AAG-3
For AIIMS, Patna	:	Mr. Binay Kumar Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 08-10-2025 The appellant has assailed the order of the learned Single Judge dated 25.08.2022 passed in CWJC No. 7419 of 2021. Appellant's grievance is that she was a candidate for recruitment to the post of Constable. Her candidature has been rejected on the ground of medical fitness only in respect of "flat-foot" on her right leg. In this regard on 13.08.2025, we have passed the following order:-

"None appears for the appellant.

2. The appellant has assailed the order of the learned Single Judge dated 25.08.2022 passed in CWJC



No. 7419 of 2021. Appellant was a candidate for the recruitment to the post of 'Constable' her candidature has been rejected on medical fitness to the extent that she had a flat foot on her right leg. In this regard, two opinions have been taken note of.

3. Learned Single Judge after taking note of two opinions and medical opinion obtained by the appellant through Shri Krishna Medical College and Hospital, Uma Nagar, Muzaffarpur was not scientific therefore, appellant has not made out a case.

4. Be that as it may, in order to provide one opportunity to the appellant to subject herself for medical board examination at AIIMS Patna. In this regard, superintendent of AIIMS, Patna is requested to arrange for medical examination of the appellant only insofar as whether appellant is suffering from flat foot on her right leg or not.

5. In this regard, orthopedician's (specialist) opinion/report shall be sent to the Registry of this Court. The above exercise shall be completed within a period of two



months from today. The appellant shall bear the expenses of the aforesaid examination and it is quantified at Rs. 2,000/- and the same shall be remitted in the office of the superintendent, AIIMS hospital Patna. The appellant is hereby directed to approach the superintendent of AIIMS hospital at the earliest.

6. Relist this matter on 08.10.2025.”

2. Pursuant to the aforementioned order, we are in the receipt of All India Institute of Medical Science, Patna, Medical Examination Report dated 12.09.2025 along with the Covering Letter dated 16.09.2025 furnished by the learned counsel for the AIIMS, Patna. Perusal of the medical opinion consisting of Medical Board Members constituted with 7 doctors, they have expressed their opinion that based on “clinical and radiological finding no evidence of “flat-foot” on her right leg could be found”. Therefore, the appellant had made out a case for consideration of her candidature to the post of Constable. The concerned Recruiting Authorities are hereby directed to reconsider her name and proceed to process selection and appointment insofar as appellant *namely*-Kumari Devanti Gaur is concerned. If she is otherwise eligible, she shall be selected



and appointed to the post of Constable with all service and monetary benefits on par with similarly situated persons who have been selected and appointed with reference to the process of recruitment. The above exercise shall be completed within a period of three months from the date of receipt of this order.

3. In the light of these facts and circumstances, the order of the learned Single Judge dated 25.08.2022 passed in CWJC No. 7419 of 2021 stands set aside. The writ petition is allowed.

4. The report of All India Institute of Medical Science, Patna dated 12.09.2025, Medical Examination furnished by the learned counsel for the AIIMS, Patna has been resealed and returned to the AIIMS Authorities. In the event of official respondents intend to peruse the Medical Board Report dated 12.09.2025, in this regard if any requisition on behalf of the Recruiting Agency to the AIIMS Hospital, Patna, AIIMS Hospital Authorities, Patna are requested to furnish the copy of the same.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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