

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18078 of 2022

Uma Shankar S/o Sri Lal Dev Choudhary, Resident of Village- Kuresar, Post-Beloury, P.S.- Gthani, Distt- Siwan.

... .. Petitioner/s

Versus

1. The Union of India through Ministry of Home Affairs, New Delhi.
2. The Director General, Border Security Force (BSF), CGO, Complex, New Delhi.
3. The Inspector General, Border Security Force (BSF), CGO, Complex, New Delhi.
4. The Inspector General, Border Security Force (BSF), Frontier (FTR) 133 Battalion, Salbagan, Tripura.
5. The Deputy Inspector General of Police, Border Security Force (BSF), CGO, Complex, New Delhi.
6. The Deputy Inspector General, Border Security Force (BSF), Frontier (FTR) 133 Battalion, Salbagan, Tripura.
7. The Principal Staff Officer, Frontier (FTR) 145 C S Battalion, Border Security Force (BSF), Nalkata, Salbagan, Tripura.
8. The Commandant, Frontier (FTR) 145 C SU Battalion, Border Security Force (BSF), Nalkata, Salbagan, Tripura.
9. The Commandant, Frontier (FTR) 133 Battalion, Border Security Force (BSF), Salbagan, Tripura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Singh, Advocate
For the Respondent/s	:	Mr. Awadhesh Kr. Singh, Sr. CGC
		Mr. R.K. Sharma, CGC
		Mr. Lokesh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-07-2025 Heard learned counsel for the petitioner and learned Senior counsel for the Union of India.

2. The present writ petition has been filed for issuance of appropriate writ(s), order(s) or direction(s) to respondent authorities to promote the petitioner on the rank of Assistant Sub



Inspector as similarly situated persons and juniors to petitioner have already promoted on the rank of Assistant Sub Inspector.

3. Learned counsel for the petitioner submits that the petitioner has not been promoted to the rank of Assistant Sub Inspector in spite of the fact that the respondent authorities were regularly taking heavy duty and ground duty from the petitioner which is not allowed to a person who is medically unfit (B.P. problem). Counsel submits that for the purpose of taking work, heavy duty has been imposed upon the petitioner, but promotion has not been granted to him.

4. Learned Senior counsel appearing for Union of India submits that the petitioner was appointed and working in BSF and according to rules of BSF, medical fitness certified by a qualifying Medical Board is a mandatory requirement for every promotion. The assessment of the petitioner has been conducted several times, but in all the Medical Board, the petitioner was placed in low category and it is due to this reason, his name could not be recommended for promotion to the rank of Assistant Sub Inspector (GD) in terms of the Para-9 (procedure/criteria for preparation list B,C,D and E for conducting DPC) issued by the FHQ BSF. Senior counsel submits that the petitioner has not challenged the decision of the



Medical Board, but moved directly before this Hon'ble Court for grant of promotion.

5. After considering the case and hearing the parties, it transpires to this Court that, according to the rules of the BSF, the petitioner is required to fulfill certain medical conditions, which have not been met. As such, this Court is of the view that no relief could be granted to the petitioner. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

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