

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18949 of 2024

=====

Ganesh Sharma S/o Late Mewalal Sharma, R/o Village-Shubhankarpur, Ward No. 07, P.O.-Rahikpur Mohan, P.S. Simraha, Block Forbesganj, District-Araria, Bihar-854311..

... .. Petitioner/s

Versus

1. The Union of India through the Home Secretary to the Government of India, New Delhi.
2. Staff Selection Commissioner, Department of Personnel and Training Ministry of Personnel, Public Grievances and Pension, Block No. 12, CGO Complex, Lodhi Road, New Delhi-110054 through its Chairman.
3. Staff Selection Commission (Central Zone) Allahabad through its Regional Director.
4. Commandant (Med) Member, PO of DV/DME of CT (GO)-2024, Rectt. Centre CISF Unit KhSTPP, Kahalagaon, District-Bhagalpur, Bihar-813214.
5. Review Medical Examination Board, RME-132 BN BSF CAMP KHAGRA KISHANGANJ-855107.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms.Shama Sinha, Adv.
For the U.O.I. : Mr. Mithlesh Kumar Gupta, CGC

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 08-01-2025 Heard learned counsel for the petitioner as well as

learned counsel for the respondents.

2. This petition has been preferred by the petitioner

seeking following reliefs:-

“(a) Issue an appropriate writ, order, or
direction quashing the decision dated
23.10.2024 (Detailed Medical Examination)
and 29.10.2024 (Review Medical
Examination) declaring the Petitioner as unfit
for the SSC GD Constable 2023 recruitment
on the basis of clinical findings of left DNS



with moderate obstruction and further clinical finding of S- shaped DNS with left Turbinate Hypertrophy.

(b) Direct the Respondents to constitute a fresh Medical Review Board comprising specialists or super-specialists. independent of the earlier DME and RME boards, for re-evaluation of the Petitioner's medical fitness, with due adherence to the 2021 Guidelines for Review Medical Examination issued by the Ministry of Home Affairs, particularly Clause 7(i), which permits mild DNS as a "Minor Acceptable Defect."

(c) Direct the Respondents to consider the Petitioner for appointment to the post of SSC GD Constable, subject to him being declared medically fit in the fresh medical evaluation.

(d) Direct the Respondents to strictly adhere to the 2021 Guidelines for Review Medical Examination in CAPFs and Assam Rifles, specifically requiring corroboration of clinical findings with confirmatory tests and specialist opinions in cases of medical rejection.”

3. It is submitted by learned counsel for the petitioner that pursuant to the advertisement (Annexure ‘P/1’), petitioner has applied for the post of GD constable. He cleared written examination and according to the guidelines, he appeared before



the medical authority for his medical examination on 23.10.2024. In the medical examination, on certain grounds, the petitioner was declared unfit, subsequently Review Medical Examination has also been conducted by the respondents wherein also the petitioner has been declared unfit.

4. Referring to Clause 12.6.2 of the advertisement (Annexure 'P/1'), it is submitted by learned counsel that the guidelines for medical examination dated 20.05.2015 and 31.05.2021 i.e. Annexure 'P/8' are applicable in case of the petitioner. According to learned counsel, Clause 7(i) note (c) of the guidelines of 2015 as well as Clause 6(c), 6(d) and Clause 8 of the guidelines of 2021 had not been followed by the authorities at the time of conducting the medical examination and subsequently at the time of review medical examination, further referring to Annexure 'P/6' and 'P/7' i.e. medical examination report issued by Patna Medical College and Indira Gandhi Institute of Medical Sciences, it is submitted by learned counsel that according to those reports, the petitioner is found fit which was not considered by the respondents .

5. Learned counsel for the State submits that ample opportunity has already been given to the petitioner for his examination and on both occasions, he has been declared unfit,



therefore, now he is not entitled to get any relief.

6. Heard both learned counsel appearing for the parties, perused the documents annexed in the petition.

7. Considering the submission put forth by the parties and after perusal of the documents as referred by the learned counsel, it would be appropriate to dispose of the petition giving liberty to the petitioner to firstly make a representation before the respondents raising all grounds which he raised in this writ petition and in turn the concerned authority will consider and decide the same in accordance with relevant rules and laws.

8. Accordingly, this petition is disposed of, petitioner is directed to make a representation before the competent authority raising all grounds which he raised in this writ petition within four weeks from today and in turn the concerned authority is also directed that on submission of said representation, it will be decided by the concerned authority as early as possible probably within 30 days from the date of submission of said representation in accordance with relevant rules and laws and further considering Clause 7(i) note (c) of the guidelines of 2015 as well as Clause 6(c), 6(d) and Clause 8 of the guidelines of 2021 and also medical certificate considering the Annexures 'P/6' and 'P/7' to the writ petition.



9. With the aforesaid directions, this petition is disposed of.

(Arvind Singh Chandel , J)

tusharika/-

U			
---	--	--	--

