

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 5291 of 2019

Naveen, S/O- Sri Dharamvir, Aged about 28 years, R/O- Vijay Nagar, PS- Jind, P.O- Jind, District- Jind (Haryana).

... ... Petitioner(s)

Versus

1. The Union of India, through the Secretary, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi, PO+PS-New Delhi Central, Dist.-New Delhi
 2. The Director General, Railway Protection Force, Railway Board, Rail Bhawan, New Delhi, PO+PS-New Delhi, Dist.- New Delhi.
 3. The Chief Security Commissioner, R. P. S. F. Railway Board, New Delhi, PO+PS-New Delhi, Dist.- New Delhi.
 4. The Deputy Inspector General, Railway Protection Special Force Railway Board, Rail Bhawan, New Delhi, PO+PS-New Delhi, Dist.- New Delhi.
 5. The Commandant/Commanding Officer, R.P.S.F, 10th Battalion, Dhanbad, P.O & P.S- Dhanbad, District-Dhanbad.
 6. The General Manager (Personel), East Central Railway, having office at Hajipur, P.O & P.S- Hajipur, District- Hajipur.
 7. The Divisional Railway Manager, East Central Railway, Danapur, having office at D.R.M Office Campus, P.O-& P.S- Danapur, District- Patna.
- Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s)	: Mr. Lukesh Kumar, Advocate Mr. Sahay Gaurav Piyush, Advocate
For the Respondent(s)	: Mrs. Niki Sinha, CGC

Order No.14 /Dated: 16th September 2025

The instant writ application has been preferred by the petitioner praying therein for quashing and setting aside the order dated 05.08.2019 (Annexure-7 to the writ application) whereby the petitioner has been declared fit for his original post on the basis of recommendation of

Special Medical Board which does not consist of any specialized Doctors of Radiculomyelopathy and instead an Orthopedic Surgeon was made a member and two other doctors were General Physician which has declared the Petitioner fit.

However, the fact remains that the petitioner is not fit for the work what he was doing at the time when the case was filed.

2. The petitioner was appointed in the year 2015 as Constable and during course of his service, he developed some neuro problem.

3. A supplementary counter-affidavit dated 14.08.2025 has been filed in this case admitting therein that the Standing Medical Board after examining the petitioner has unanimously opined that the petitioner may not be fit for active as a Constable/RPSF, however, he is fit in medical category B-1 and below. For brevity paragraph no. 5 of the supplementary counter-affidavit dated 14.08.2025 is extracted hereinbelow:

“5. That it is humbly stated and submitted that standing medical Board after examining the petitioner has unanimously opined that the petitioner Sri Naveen, Constable may not be fit for active as a Constable/RPSF; however, he is fit in medical category B-1 and below. As per the norms, the prescribed medical category for Constable/RPSF is B-1. It is pertinent to mention that several duties assigned to RPSF Constable- such as office work, mess duty, canteen duty, etc. are sedentary or light in nature and do not require active field deployment. Therefore, Shri Naveen (petitioner) is considered fit for medical category B-1 for Constable/RPSF, but not for certain active duties that require physical exertion. He will not be treated as medically de-categorized from RPSF as he is still fit for some duties in RPSF.”

4. The grievance of the petitioner is that since there is an admission by the respondents that the petitioner is not fit to work as a Constable, in view of the Indian Railway Medical Manual an employee found medically unfit for his post is to be treated as medically decategorized and must be provided alternative employment in another Department of Railway.

5. Learned counsel for the petitioner draws attention of this Court towards the rejoinder dated 09.09.2025 filed by the petitioner wherein it is stated that similar other persons who have been declared medically unfit for the job of Constable have been given alternative job in

the same Department.

6. Learned counsel for the respondents fairly admits the position and contends that now the respondents may be directed to post the petitioner on some alternative job but in future, if the petitioner is found suitable for normal job; the liberty may be left open for the respondents to take the work from the petitioner as a Constable.

7. Having regard to the aforesaid facts and circumstances of the case, the instant writ application is hereby disposed of by directing the respondents to post this petitioner on some suitable job apart from Constable in view of the Indian Railway Medical Manual, Chapter XIII, at paragraph nos. 1303, 1305 and 1306. In other words, post this petitioner in the category of B-1 and below and not as a Constable.

8. However, it is made clear that the respondent-authorities would be free to get the petitioner again medically examined and if at all the Medical Board duly appointed by the respondents in future consisting of neurologist finds the petitioner in perfect condition, the respondents would be free to take work from the petitioner on some other post as per their own Rules and Regulation.

9. Pending I.As, if any, also stand closed.

(Deepak Roshan, J.)

16.09.2025
Amit