

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21793 of 2013

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Shashi Bhushan Singh Son Of Anil Kumar Singh Resident Of Village and
P.O. Barka Dumra, P.S. Muffasil, Ara, District - Bhojpur At Ara

... .. Petitioner/s

Versus

1. The Union Of India through the Director General, Central Industrial Security Force, New Delhi
2. The Inspector General, Csf, Eastern Zone Head Quarter, New Patliputra Colony, Patna - 13
3. The Assistant Commandant, Csf, Eastern Zone Head Quarter, New Patliputra Colony, Patna - 13
4. The Chief Medical Officer, (CMO) (SG), CISF, MPRTC, Anantpura, Behror (Raj)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate
For the Respondent/s	:	M/s R.K.Sharma, CGC
		Lokesh
		A.K.Pandey, SCGC

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 31-01-2026

1. The present Writ petition is filed for
the following reliefs:

a) For issuance of writ in
the nature of mandamus directing /
commanding the respondent
concerned to issue offer of
appointment letter to the petitioner
and appoint him on the post of
Constable /Fire in CISF under



Employment no. 32023/Constable /
Fire Recruitment-2012 Eastern
Sector, CISF for which the petitioner
selected in Physical test, written
test and medical test and finally fit
for the said post vide medical
fitness certificate dated 11.5.2013
and rectified the error dated
4.7.2013 as contained in Annexure
2(series) and 4(series) to this writ
application.

b) For directing /
commanding the respondent
concerned to consider
sympathetically and according to
merit the candidature of the
petitioner for which the petitioner is
entitled to in accordance with law
because the matter relates to the
life and career of the petitioner. If
the candidature of the petitioner
may not be considered, then the



petitioner will suffers a lot and
deprive from his Future career.

c) For any other
relief/reliefs for which the petitioner
is entitled to in accordance with law.

2. The brief facts, as culled out from the writ petition, are that the petitioner applied for the post of Constable/Fire in CISF pursuant to Employment Notice No. 32023/Constable/Fire Recruitment-2012 (Eastern Sector). The petitioner successfully qualified in the Physical test as well as the written examination, securing selection on merit. Thereafter, the petitioner appeared in the medical examination conducted for recruitment to the post of Constable/Fire in CISF. In the Review Medical Examination held on 07.05.2013 at CISF 2nd Reserve Battalion, Ranchi, Jharkhand and was declared medically unfit on the ground of *"Single testis on right side of scrotum and undescended testis in left inguinal canal."*

3. It is submitted in the Writ petition that



the petitioner was granted 15 days' time to submit a medical fitness certificate, as per Form No. CISF (Constable)/3; so as to reach the addressee within a period of 15 days from the date of medical examination i.e., on or before 22.05.2013 for which a Memorandum unfit letter dated 07.05.2013 was issued by respondent No. 4. Pursuant thereto, the petitioner consulted Dr. B. Kumar, Consultant Surgeon, Raj Hospital, Ranchi, and underwent operative correction surgery on 10.05.2013, whereby the left testis was brought down to the root of the scrotum. A medical fitness certificate dated 11.05.2013 was issued by the said doctor.

4. Thereafter, the petitioner preferred an appeal before Respondent No. 2 on 16.05.2013 against medical unfitness within the prescribed time, enclosing the medical fitness certificate dated 11.05.2013. Subsequently, the Assistant Commandant (respondent no.3) issued a letter dated 28.06.2013, pointing out certain discrepancies in the medical certificate and directed for rectification in Form No. CISF



(Constable)/3 Column no. 2 Form No. 1, disclosing all the reasons for medical unfitness. In compliance thereof, the petitioner again consulted the same medical practitioner, and a rectified Medical Fitness Certificate dated 04.07.2013 was issued, duly addressing all objections raised by the respondents. The petitioner forwarded the rectified medical certificate to respondent no.2 on 08.07.2013 through speed post. However, no response or decision has been communicated to the petitioner till date, nor has any appointment letter been issued.

5. The petitioner asserts that he is medically fit, has cleared all stages of the selection process on merit, and is ready and willing to serve as Constable/Fire in CISF.

6. The Learned counsel for the petitioner submits that the petitioner has successfully qualified in the physical test, written examination, and medical examination after rectification and, therefore, is entitled to appointment on the post of Constable/Fire in CISF. It is submitted that the initial



declaration of medical unfitness was temporary and curable, and the petitioner underwent corrective surgery within the stipulated time and submitted the requisite medical fitness certificate well within the prescribed period. The Learned counsel further submits that upon objection raised by the respondents, the petitioner fully complied with the directions by submitting a rectified medical certificate dated 04.07.2013, clearly mentioning all relevant medical particulars. It is further submitted that despite full compliance and fulfillment of all eligibility conditions, the respondents have failed to take any decision, which amounts to arbitrary and colourable exercise of power. It is contended that the inaction of the respondents has caused irreparable loss to the petitioner, affecting his livelihood and future career, and is violative of the principles of natural justice, and therefore, prays to allow the Writ petition for the relief sought.

7. A detailed counter affidavit has been filed on behalf of the respondents denying the



allegations made in the Writ petition.

8. It is stated in the counter affidavit that applications were invited for filling up the posts of Constable/Fire (Male) in CISF pursuant to Force Headquarters letter No. E-32023(1)/13/2012/Rectt/Constable Fire /1340 dated 06.06.2012, and the closing date for receipt of applications for the Eastern Zone was fixed on 18.07.2012. The CISF Eastern Sector Headquarters, Patna, was the application receiving authority for candidates belonging to State of Bihar, Jharkhand and Odisha. The petitioner, having the requisite qualifications, applied for the said post. His application was found in order and he was allotted Roll No. 050118300. He qualified the PST/PET and the written examination, and his name appeared in the merit list. Accordingly, he was called for medical examination at CISF 2nd Reserve Battalion, Ranchi, on 07.05.2013.

9. Upon medical examination, the petitioner was declared medically unfit on the ground of *"Single testis on right side of scrotum*



and undescended testis in left inguinal canal” and a Memorandum of Unfitness was issued dated 07.05.2013, granting him liberty to prefer an appeal within 15 days.

10. The petitioner preferred an appeal along with a medical fitness certificate, which was considered by the Appellate Authority. The appeal was accepted and the petitioner was issued a call-up letter dated 24.07.2013 directing him to appear for Review Medical Examination on 07.08.2013 at CISF 2nd Reserve Battalion, Ranchi. However, the petitioner failed to report for the Review Medical Examination and was marked absent, which was duly recorded in his Individual Record Sheet. Since medical fitness is an essential eligibility and is a pre-condition under the recruitment notification. The petitioner did not appear before the Review Medical Board, his medical fitness could not be assessed.

11. It is further stated that though the initial medical fitness certificate submitted by the petitioner was defective, he was given an



opportunity to rectify the same vide letter dated 28.06.2013. Despite due intimation, the petitioner did not appear for Review Medical Examination.

12. It is contended that the respondents have acted strictly in accordance with the recruitment rules and notification, but the petitioner, failed to qualify the medical examination and was not issued with an appointment letter, and therefore prayed to dismiss the Writ petition.

13. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents. Perused the records.

14. It is not in dispute that the petitioner was declared medically unfit in the medical examination conducted on 07.05.2013 at CISF 2nd Reserve Battalion, Ranchi, on the ground of "*Single testis on right side of scrotum and undescended testis in left inguinal canal*", as recorded by Dr. N.C. Hessa, C.M.O., CISF RTC Behror (SG). Consequently, the petitioner was issued a Memorandum of Unfitness dated 07.05.2013 (Form



CISF(Constable)/1), informing him of his right to prefer an appeal for Review Medical Examination within the stipulated period of 15 days, failing which his candidature was liable to be cancelled.

15. It is also not in dispute that the petitioner availed the said opportunity and preferred an appeal along with a medical fitness certificate dated 04.07.2013 but did not appear before the Review Medical Examination. Upon consideration of the medical documents, the Appellate Authority accepted the appeal and accordingly issued a call-up letter dated 24.07.2013 directing the petitioner to report for Review Medical Examination on 07.08.2013 at 0700 hours at CISF 2nd Reserve Battalion, Ranchi.

16. The counter affidavit categorically disclose that the petitioner failed to report for the Review Medical Examination on the scheduled date and was marked absent, which was duly endorsed in the Individual Record Sheet by the supervising officer, namely Shri B.K. Chauhan, Commandant, CISF Unit, KhSTPP Kahalgaon. This assertion has



not been effectively controverted by the petitioner.

17. In the absence of the petitioner's appearance before the Review Medical Board, his medical fitness could not be assessed, thereby leaving the essential eligibility condition for appointment unfulfilled. As per the recruitment notification, medical fitness is a mandatory prerequisite for appointment to the post of Constable/Fire. Moreover, the Medical certificate issued by a private doctor, cannot be considered, as per the rules of recruitment.

18. This Court finds that the petitioner was afforded adequate and reasonable opportunity at every stage of the recruitment process. The respondents acted strictly in accordance with the recruitment rules, procedure, and notification, and no arbitrariness, illegality, or violation of principles of natural justice is discernible.

19. Taking into consideration the entire material available on record and the submissions advanced by learned counsel for both the parties, this Court is of the considered view that the writ



petition is devoid of merit.

20. Accordingly, the writ petition is dismissed.

21. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2026
Transmission Date	

