

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2316 of 2017

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Raju Kumar Son of Shri Devendra Jha, Resident of village - Meghaul, Police Station - Khodabanpur, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Special , Department, Government of Bihar, Patna
3. The Director General - Cum - Commandant General, Bihar Homeguards, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
		Mr. Sikandar Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Md. Irshad, AC to SC- 1

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 20-01-2026

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Aggrieved by his non-selection as home guard pursuant to Advertisement no. 2 of 2011, the petitioner has preferred the instant writ application for the following relief:

“1. That this is an application for issuance of a writ in the nature of Mandamus and/or any other appropriate writ, order or direction commanding upon the respondents to make nomination of the petitioner as Home -gaurd against the 5 post for Khodabandpur Block, and



further to direct the respondents to accept the report dated 25-07-2015 of the P.M.C.H. whereby fresh medical examination of the petitioner for his fitness was done and he has been declared fit and to hold that earlier Medical Board Report was erroneous whereby nothing abnormal was detected and the remark has been noted 'Knee knock' though the knees of the petitioner do not touch each other in any way which is apparent by simple look and to direct the respondents to consider the petitioner's case for their selection/nomination as Home-guards."

3. It is the case of the petitioner that having applied for appointment as home guard against Advertisement no. 2 of 2011, the petitioner participated in the physical test but was incorrectly shown as unfit and suffering from knock knee. It is the case of the petitioner that soon thereafter he got himself examined in the Patna Medical College Hospital (PMCH) and as per the report dated 25.7.2015 (Annexure-5), there is a clear finding/certification to the effect that the petitioner does not suffer from knock knee. As such, it is submitted by learned counsel for the petitioner that having illegally being declared



medically unfit and in view of his examination conducted at PMCH, the petitioner be selected as home guard and direction be given to the respondents to appoint him.

4. The application is opposed by learned counsel appearing for the respondents. Referring to the contents of the counter affidavit, it is submitted that after the initial process of selection, all the candidates were medically examined and 107 of the candidates including the petitioner were disqualified for one reason or the other. Out of the disqualified candidates, 59 persons submitted their objections requesting for re-medical test. The petitioner also requested that he be re-examined in view of the medical test report of the PMCH. It is submitted by learned counsel for the respondents that the objections were referred to a duly constituted committee which after having scrutinized and checked the objections found the same unsustainable. It is further submitted that there is no provision for re-medical test and thus the request of the petitioner was rejected. It is submitted that no case for grant of any relief has been made out by the petitioner.

5. Heard learned counsel for the parties and perused the material on record.

6. The matter arises out of Advertisement no. 2 of



2011 published by the respondents on 16.7.2011 in the daily newspaper for appointment of home guards in rural and urban areas in the State of Bihar. Out of the total vacancy of 11122, in the district of Begusarai with which the petitioner is interested, there were 153 vacancies of rural home guards and 17 for urban home guards. Pursuant to having been found fit in the physical test, the petitioner was medically examined by the team of specialized Doctors who diagnosed the petitioner to be having knock knee and thus the petitioner was not selected. The petitioner, on the other hand, relies on the subsequent medical test undergone by him at the PMCH.

7. At this stage, it would be relevant to take into consideration the judgment in the case of KM. Priyanka vs. Union of India & Ors. [W.P.(C) 10783 of 2020] wherein the Delhi High Court in paragraph no. 8 has held as follows:

“8. We have on several occasions observed that the standard of physical fitness for the Armed Forces and the Police Forces is more stringent than for civilian employment. We have, in Priti Yadav Vs. Union of India 2020 SCC OnLine Del 951; Jonu Tiwari Vs. Union of India 2020 SCC OnLine Del 855; Nishant Kumar Vs. Union of India 2020 SCC OnLine Del 808 and Sharvan Kumar Rai Vs. Union of India 2020 SCC



OnLine Del 924, held that once no mala fides are attributed and the doctors of the Forces who are well aware of the demands of duties of the Forces in the terrain in which the recruited personnel are required to work, have formed an opinion that a candidate is not medically fit for recruitment, opinion of private or other government doctors to the contrary cannot be accepted inasmuch as the recruited personnel are required to work for the Forces and not for the private doctors or the government hospitals and which medical professionals are unaware of the demands of the duties in the Forces. In fact, the case of Priti Yadav (supra) also related to 'cubital valgus'. It is also to be noted that the specialists that the petitioner had consulted had also found that the petitioner suffered from 'cubital valgus' and therefore, the findings by the Medical Boards were not wrong."

8. Taking into consideration the facts of the instant case and the decision in KM. Priyanka (supra), it has to be reiterated that once on a medical examination being conducted for recruitment of personnel for the forces and a person is found not to be medically fit for recruitment, subsequent medical examination of the petitioner/candidate by some other private or



government Doctor with results to the contrary cannot be accepted as the candidate to be appointed is required to perform the work of the force which the other medical personnel or the other Doctors conducting the medical test on the petitioner are not aware of.

9. For these reasons, once the petitioner was found medically unfit for appointment by the Doctors who examined the petitioner in the process of selection for appointment as home guard, in the opinion of the Court, the re-examination even by a government Doctor of PMCH who is not aware of the requirements of the work the petitioner is required to carry out as a home guard would not be of much assistance to the petitioner.

10. In view of the facts and circumstances of the case, in the opinion of the Court, the petitioner has not made out any case for grant of relief in the instant application.

11. The application is dismissed.

(Partha Sarthy, J)

saauravkrsinha/-

AFR/NAFR	NAFR
CAV DATE	NA
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