

(2023) 07 RAJ CK 0056
In the Rajasthan High Court
Case No : Civil Writ Petition No. 8052 Of 2023

Badrilal Teli And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 18-07-2023

Acts Referred:

Citation : (2023) 07 RAJ CK 0056

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Tanay Sharma, D.S. Jasol

Final Decision : Disposed Of

Judgement

Vinit Kumar Mathur, J

The present writ petition has been filed with the following prayers:-

"a) by an appropriate writ, order or direction the respondents may be directed to hold the petitioners eligible towards physical fitness and physical efficiency test for the post of Forest Guard.

b) by an appropriate writ, order or direction the respondents may be directed to grant appointment to the petitioners on the post of Forest Guard with all consequential benefits;.

This Court after having considered the submission made on behalf of the parties passed an order on 05.07.2023 in the following terms:-

"1.It is submitted by learned counsel for the petitioners that for the recruitment on the post of Forester, when the petitioners were subjected to medical examination, they have been disqualified on account of having chest measurement less than 84 cm. It is claimed that the rejection of petitioners' candidature on the said count is factually incorrect.

2. Reliance in this regard has been placed on the Physical Fitness Certificate

issued by the Medical Officer of Community Health Centre indicating their chest to be of requisite measurement.

3. Submissions have been made that a Co-ordinate Bench of this Court in Naresh Kumar & Ors. v. State of Rajasthan & Ors. : SBCWP No.6380/2023, decided on 25. 05.2023, in similar circumstances has ordered for examination of the petitioners therein by the Medical Board to be constituted by All India Institute of Medical Sciences, Jodhpur ('AIIMS') and therefore, similar order may be passed.

4. In view of the submissions made, issue notice. Issue notice of stay application also.

5. A copy of the petition be served on Mr. Digvijay Singh Jasol, who is directed to complete his instructions in the matter.

6. In the meanwhile, the petitioners shall appear before the Superintendent, AIIMS, Jodhpur alongwith copy of this order on 12.07.2023. The Superintendent, AIIMS, Jodhpur is directed to constitute a Medical Board, who would take the measurement of the chest of the petitioners and submit a report in sealed cover to this Court.

7. List the petition on 18.07.2023."

In pursuance of the direction issued by this Court on 05.07.2023, a Board was constituted by All India Institute of Medical Sciences, Jodhpur for examination of the petitioners. The Board has submitted its report in a sealed cover before this Court.

The report is opened and the opinion of the Board reads as under:-

1. Badrilal Teli S/o Sh. Ramdhan Teli

Opinion by the Medical Board:-

On examination of the petitioner, the board has found that the Chest Measurement of the individual is as follows :-

Chest – Normal 91.5 cm

Expanded 97 cm

2. Dinesh Kumar Regar S/o Sh. Bhanwar Lal Regar

Opinion by the Medical Board:-

On examination of the petitioner, the board has found that the Chest Measurement of the individual is as follows :-

Chest – Normal 87 cm

Expanded 92 cm

3. Pankaj Singh Bhadoriya S/o Sh. Jai Pal Singh

Opinion by the Medical Board:-

On examination of the petitioner, the board has found that the Chest Measurement of the individual is as follows :-

Chest – Normal 96.5 cm

Expanded 101 cm

4. Dhanraj Meena S/o Sh. Ramprasad Meena

Opinion by the Medical Board:-

On examination of the petitioner, the board has found that the Chest Measurement of the individual is as follows :-

Chest – Normal 85 cm

Expanded 89.5 cm

5. Praveen Singh Rajpoot S/o Sh. Jalam Singh

Opinion by the Medical Board:-

On examination of the petitioner, the board has found that the Chest Measurement of the individual is as follows :-

Chest – Normal 94 cm

Expanded 98.5 cm

6. Porushotam Meena S/o Sh. Ladu Lal Meena

Opinion by the Medical Board:-

On examination of the petitioner, the board has found that the Chest Measurement of the individual is as follows :-

Chest – Normal 83 cm

Expanded 90 cm

The original copy of the report is taken on record and the registry is directed to supply the certified copy of the report received from All India Institute of Medical Sciences, Jodhpur forthwith to the parties.

In pursuance of the report received, the respondents are directed to consider the candidature of the petitioners in terms of the report as per Rules.

In view of the above, the present writ petition is disposed of.