
(2020) 03 RAJ CK 0075
In the Rajasthan High Court
Case No : Civil Writ Petition No. 955 Of 2005

Satya Narayan

APPELLANT

Vs

Union of India, through the Secretary and Others

RESPONDENT

Date of Decision : 06-03-2020

Acts Referred:

Citation : (2020) 03 RAJ CK 0075

Hon'ble Judges : Sangeet Lodha, J

Bench : Single Bench

Advocate : Nrapen Shanker Acharya, Vivek Firoda, Sanjeet Purohit

Final Decision : Dismissed

Judgement

Sangeet Lodha, J

1. This writ petition has been filed by the petitioner assailing the action of the respondents in declaring him medically unfit for appointment on the post of Assistant Commandant in Central Police Forces (CPFs).

2. The respondent Union Public Service Commission (UPSC) issued an advertisement dated 10.5.03 inviting applications for recruitment to 315 posts

of Assistant Commandant in CPFs. The petitioner who was already employed as Sub Inspector in Central Reserve Police Force (CRPF), applied for

the said post. He underwent the selection process and was declared successful. The petitioner's medical examination was conducted and he was

declared unfit on the ground of "Infraclavicular hollowing, poor dental points". The petitioner was directed to appear before the Review Medical

Board, which was held on 27.8.04 at BSF, MI Room, R.K. Puram. The petitioner was again found unfit by the Review Medical Board on the ground

of "Contractual Lt Hemithorax with less dental points".

3. Precisely, the case set out by the petitioner is that he got himself examined in his unit by the Medical Officer of CRPF, who certified the petitioner to be fit for appointment on the post of Assistant Commandant. The petitioner also got himself examined by Medical Board consisting of civilian doctors, who also certified that the petitioner is medically and physically fit and can perform any kind of duty and thus, it is contended by the petitioner that he has been wrongly declared physically and medically unfit for recruitment to the post of Assistant Commandant.
4. A reply to the writ petition has been filed on behalf of the respondents taking the stand that on being found qualified in Physically Efficiency Test (PET), a detailed medical examination of the petitioner was conducted by the CPFs Medical Board consisting of three specialists viz. Physician, Surgeon and Ophthalmologist. The petitioner was declared unfit on the ground of 'Infraclavicular hollowing, poor dental points'. It is reiterated that the Review Medical Board constituted also declared the petitioner unfit for appointment to the post of Assistant Commandant.
5. The petitioner having been declared unfit by the CPFs Medical Board as also by the Review Medical Board, merely on the basis of the certificate issued by the Medical Board of civilian doctors which does not even specify that what were the tests conducted by them to examine the fitness of the petitioner, no directions can be issued by this Court for re-examination of the petitioner, more so, after a lapse of about 15 years.
6. There is yet another aspect of the matter. This writ petition was filed by the petitioner aggrieved by rejection of his candidature. Obviously, after completion of the selection process, the selected candidates have already been appointed and none of the selected candidates is impleaded as party respondent in the writ petition.
7. In this view of the matter, no relief as prayed for, can be granted to the petitioner by this Court at this stage.
8. The writ petition is, therefore, dismissed.