
(2021) 07 JH CK 0003

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2241 Of 2021

Saurabh Kumar Tiwary

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 15-07-2021

Acts Referred:

Citation : (2021) 07 JH CK 0003

Hon'ble Judges : Dr. S.N.Pathak, J

Bench : Single Bench

Advocate : Shresth Gautam, Neeraj Kr

Final Decision : Disposed Of

Judgement

Dr. S.N.Pathak, J

1. The petitioner has approached this Court with a prayer for quashing / setting aside the order passed by the Dy. Inspector General (Appellate

Authority) RME CT/GD-18 (Board- I & Board-II) wherein the RME Appeal preferred by the petitioner against his medical unfitness declared in the

detailed medical examination (DME) for appointment to the post of Constable (GD) in Central Armed Police Force (CAPFs), NIA & SSF and

Rifleman (GD) in Assam Rifles has been rejected. Further, prayer has been made for a direction upon the Deputy Inspector General (Recruitment),

CRPF, Central Office i.e. respondent No.5 to conduct the RME (Review Medical Examination) of the petitioner. Further, prayer has been made for a

direction upon the respondent to include the name of the petitioner in the list of medically fit candidates to be sent to Ministry of Home Affairs i.e.

respondent No.1 by the Nodal force and appoint the petitioner as per the selection process conducted by the Staff Selection Commission.

2. At the very outset, Mr. Shresth Gautam, learned counsel for the petitioner submits that the issue involved in this writ petition has already been

decided by a Co-ordinate Bench of this Hon'ble Court in W.P.(S) No. 2393 of 2020 and other analogous cases vide order dated 12.01.2021 which is at

Annexure-7, as well as order dated 09.06.2021 passed by this Court in W.P. (S) No. 2415 of 2020, and the case of the petitioner is squarely covered

by these orders. Learned counsel for the petitioner further submits that this writ petition may also be disposed of in terms of the orders passed in W.P.

(S) No. 2393 of 2020 and other analogous cases, as well as in W.P. (S) No.2415 of 2020 granting similar benefits to this petitioner also.

3. On the other hand, counter-affidavit has not been filed by the respondents, however, learned counsel appearing on behalf of the respondents very

fairly submits that this case is fully covered by the order passed by the Coordinate Bench of this Hon'ble Court in W.P.(S) No. 2393 of 2020 and other

analogous cases as well as order passed by this Court in W.P.(S) No.2415 of 2020, except the fact that the appeal preferred by the present petitioner

has been rejected. Learned counsel for the respondent has no objection if this writ petition is disposed of in terms of the order passed in W.P.(S)

No.2393 of 2020 as well as W.P.(S.) No.2415 of 2020.

4. In view of fair submissions of the learned counsel for the parties and considering the facts that similar issue has already been decided by a Co-

ordinate Bench of this Court in W.P.(S) No. 2393 of 2020 and other analogous cases as well as by this Court in W.P.(S) No.2415 of 2020 and since

this writ petition is also covered by the said decisions, the same is being disposed of in terms of orders passed therein.

5. Accordingly, in view of aforesaid judicial pronouncement, the case of the present petitioner should also be considered. The respondents are directed

to take a decision in this regard and if the cases of the petitioner is found to be same and similar to that of petitioners in W.P.(S) No. 2393 of 2020 and

other analogous cases, as well as W.P.(S) No.2415 of 2020, similar relief may be granted to the present writ petitioner also, in accordance with law,

within a period of four weeks from the date of receipt of a copy of this order.

6. Resultantly, the writ petition stands disposed of.