
(2018) 12 GAU CK 0049

In the Gauhati High Court

Case No : Writ Petition (C) No. 7970 Of 2017

Sunkungur Boro

APPELLANT

Vs

Union Of India And 3 Ors

RESPONDENT

Date of Decision : 15-12-2018

Acts Referred:

Citation : (2018) 12 GAU CK 0049

Hon'ble Judges : Arup Kumar Goswami, J

Bench : Single Bench

Advocate : H Bezbaruah

Final Decision : Disposed Off

Judgement

Heard Mr. H. Bezbaruah, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Central Government Counsel appearing for the respondents.

The petitioner, who was offered appointment as Constable (GD) in the Central Industrial Security Force (CISF) by the order dated 28.03.2017, failed in the colour blindness test while undergoing training. A review medical examination was conducted at Composite Hospital, CRPF, New Delhi and in such examination also, the petitioner was declared unfit for colour blindness. Consequently, the petitioner was terminated from service by order dated 8.9.2017.

The petitioner had assailed the findings of the Medical Board as well as the order of termination dated 8.9.2017 in this writ petition and a prayer for a Writ of Mandamus for re-examination of the case of the petitioner by a Board of Officers comprising of civil doctors in the relevant field is also made.

During the pendency of the writ proceedings, a review medical examination was once again conducted at Composite Hospital, BSF, Patgaon, on 2.11.2018. In such examination, the Medical Board had declared the petitioner - "FIT FOR EYE SIGHT" and, therefore, requested the authorities to take further decision in the matter. Thereafter, by the order dated 4.12.2018, the petitioner was directed to

report immediately at CISF, RTC, Barwaha along with the medical fitness certificate issued by the Review Medical Examination Board. It is also indicated therein that he will be detailed for basic training in the subsequent batch as and when such training starts at any training institution.

In view of the above order of reinstatement, Mr. Parasar submits that there is no surviving cause of action in the present writ petition.

Mr. Bezbaruah, learned counsel for the petitioner also submits that though he has not received any information, the writ petition can be closed on the basis of the submission of Mr. Parasar. He, however, seeks liberty to approach this Court again, if required.

Having heard the learned counsel for the parties, the writ petition stands disposed of on the basis of the submissions made by Mr. Parasar, learned Central Government Counsel, reserving liberty to the petitioner to approach this Court again, if required.

The documents produced by Mr. Parasar are taken on record.