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(2010) 04 PAT CK 0233

Patna High Court

Case No: CWJC No. 6996 of 2010

Dharmendra Singh		APPELLANT
	Vs	
The Union of India (UOI) and Others		RESPONDENT

Date of Decision: April 23, 2010

Citation: (2011) 1 PLJR 357

Hon'ble Judges: V.N. Sinha, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

V.N. Sinha, J.
Heard learned Counsel for the Petitioner, the Union of India, the State of Bihar and the U.P.S.C.

2. Petitioner was selected for enrolment in the National Defence Academy, as is evident from the letter dated 20.8.2009, Annexure-2, whereafter he was asked to pass through medical fitness test for which he appeared and was adjudged unfit, as he was found suffering from Intermittent Divergent Squint and Unilateral Sacralization. The unfit certificate is dated 8.10.2009 and is contained in Annexure-4, perusal whereof indicates that he was granted further opportunity to file appeal by 15.10.2009. Petitioner preferred appeal before the Medical Board, but was again found unfit, reason being incomplete Sacralisation LV-5. Intermittent Divergent Squint was not found as a cause of unfitness of the Petitioner by the Appellate Medical Board. Petitioner disputes the findings of the Review Medical Board on the basis of the findings recorded by the Medical Officer, who examined him at All India Institute of Medical Science, New Delhi in the Out Patient Department on 7.11.2009 when his L-5 Sacralisation right side was found with normal variation. He was also examined by the Professor of the Orthopedics Department of the P.M.C.H. on 5.1.2010 who also found the Petitioner medically fit.

3. It appears, Review Medical Board, while rejecting the candidature of the Petitioner, has not considered the report given by the Medical Officer, who examined the Petitioner in the Out Patient Department of the All India Institute of Medical Science as also of the Professor of the P.M.C.H. In the circumstances, I deem it expedient to direct Respondent No. 3 to get the case of the Petitioner examined afresh by another Medical Board and consider the findings recorded by the Medical Officer of the All India Institute of Medical Science and the Professor of the P.M.C.H., as contained in Annexures-7 and 8 to this application and pass a reasoned order considering the two documents in accordance with law, as early as possible, in any case within one month from the date of appearance of the Petitioner before Respondent No. 3.

4. The writ application is, accordingly, disposed of.