

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

27.02.2012

OA No. 124/2012

Mr. Ankur Rastogi, Counsel for applicant.

Heard learned counsel for the applicant.

The OA is dismissed by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

Jc. S. Rathore

(Justice K.S.Rathore)
Member (J)

ahq

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 124/2012

DATE OF ORDER: 27.02.2012

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Tophan Bunkar S/o Sohan Lal Bunkar, aged about 27 years, R/o Village Reshane, Post Bhurthal, Via Jaitpura, Tehsil Amer, District Jaipur (Raj.).

...Applicant

Mr. Ankur Rastogi, counsel for applicant.

VERSUS

Staff Selection Commission through its Regional Director (Northern Region), Block No. 12, CGO Complex, Lodhi Road, New Delhi.

...Respondents

ORDER (ORAL)

Brief facts of the case are that the applicant had applied for the post of CPO's Constable (GD) for Rajasthan pursuant to the advertisement Annexure A/2. Since the recruitment are to be made by the Staff Selection Commission for the post of Constable (GD) in BSF, CISF, CRPF, SSB, the applicant has given his priority as (1) CRPF, (2) CISF, (3) BSF & (4) SSB. The applicant was called for 'Physical Efficiency Test' and was declared 'qualified'. Therefore, the applicant was called for written examination and he also qualified the written examination. Ultimately, the applicant was called for medical examination and in the medical examination, the applicant was declared medically 'unfit' for three reasons namely (1) Varicose




Veins, (2) Flat Foot & (3) Eye Vision. At the request of the applicant, the applicant was re-examined by the Board of Doctors, but in the review Medical Examination, the Board of Doctors also found him medically 'unfit' for the reason namely (1) Varicose Vein & (2) Flat Foot.

2. Aggrieved and dissatisfied with the opinion of the Medical Board, the applicant preferred this Original Application on the ground that applicant at his own got medically examined in the Government Hospital i.e. SMS Hospital where the applicant was found fit on the basis of his complete medical examination, and on the basis of the report submitted by the doctor of SMS Hospital, Jaipur, he represented before the respondent(s) and made the request again to conduct a medical examination on the ground that the Medical Board has not properly examined the fitness of the applicant.

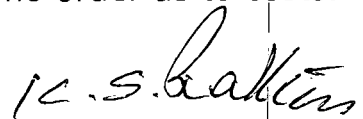
3. Having heard the submissions made on behalf of the applicant and upon careful perusal of the material available on record, it is not disputed that the applicant was medically examined by the panel of doctors and was found medically 'unfit' and further the respondents, considering the request made on behalf of the applicant, thought it proper that the applicant be again medically examined by the Board of Doctors and upon review medical examination, the applicant was not found medically fit. The reliance which has been placed by the applicant upon the certificate at annexure A/7 issued by one of the doctors of SMS Hospital, Jaipur who has examined the



applicant at the request of the applicant, be that as it may, the reasons, which have been assigned by the applicant, as submitted by the learned counsel appearing for the applicant that the Board of Doctors has not properly examined the applicant, we are not satisfied with the submissions made on behalf of the applicant and this Tribunal cannot sit as an expert to review the opinion expressed by the doctors, and as stated by the applicant that the applicant has represented on that basis for fresh medical examination, having considered the certificate given by one of the Doctors of SMS Hospital, Jaipur (Annex. A/7), it is for the respondents to consider but at this stage we are not inclined to interfere in the matter as discussed hereinabove. Thus, we find no merit in the Original Application. Accordingly, the Original Application being bereft of merit fails and is hereby dismissed in limine with no order as to costs.



(ANIL KUMAR)
MEMBER (A)



(JUSTICE K.S. RATHORE)
MEMBER (J)