

Fakre Alam Vs. Director General, Central Reserve Police Force and ors.

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Court : Allahabad

Decided On : Oct-31-2002

Reported in : (2003)1UPLBEC103

Judge : Sunil Ambwani, J.

Acts : [Central Reserve Police Force Act, 1949](#) - Sections 7; Central Reserve Police Force Rules, 1955 - Rule 12

Appeal No. : Civil Misc. Writ Petition No. 19999 of 2001

Appellant : Fakre Alam

Respondent : Director General, Central Reserve Police Force and ors.

Advocate for Def. : N.P. Shukla, Addl. S.C.

Advocate for Pet/Ap. : C.B. Yadav and ;Indra Pratap Yadav, Advs.

Disposition : Petition dismissedd

Judgement :

Sunil Ambwani, J.

1. By this writ petition, petitioner has prayed for quashing impugned order No. R-II-23/2001 STGA-5, dated 28.4.2001 passed by Additional Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Lucknow (U.P.) and has

also prayed for a writ of mandamus directing the respondents to re-examine petitioner again by Dr. (Smt.) Siddiqui, Member of Recruitment Board and allow the petitioner to rejoin in service and to pay his salary.

2. I have heard Sri C.B. Yadav, learned Counsel appearing for petitioner and learned Additional Standing Counsel for respondents.

3. Brief facts of this case are that the Inspector General of Police C/S, Central Reserve Police Force, Lucknow, vide advertisement dated 20.10.2000, invited applications from male candidates for the post of Constable (GD) in CRPF from the residents of State of Uttar Pradesh. Petitioner applied for the said post and was found fit during the recruitment process. He was issued offer of appointment with direction to report in Group Centre, Central Reserve Police Force, Lucknow on or before 18.4.2001 for enlistment subject to fitness. Para 3 of the appointment letter stated that if petitioner wants to join as Constable, according to the conditions in the appointment letter, he may report to Group Centre, Central Reserve Police Force, Lucknow on or before 18.4.2001 with the documents specified in the letter. After reporting he will be subjected to X-ray and Pathological examination at his own expenses and in case he is found fit in the said examinations, he will be treated to be selected. On reporting, petitioner was sent to Dr. A.K. Sinha, Chief Medical Officer, Group Centre, Central Reserve Police Force, Lucknow for X-ray and pathological tests. In the meantime, it appears that some complaints/ allegations were received in the office of the Director General, Central Reserve Police Force regarding recruitment who ordered vide Signal No. R. I. 14/01.C/S. Adm. I, dated 17.4.2001 to carry out re-checking of physical status/measurement etc. of candidates, and accordingly physical status of petitioner was checked-up by Dr. A.K. Sinha, CMO, who found the petitioner to be having bodily deformity like 'GROSS KNOCK KNEE'. By impugned order, issued on 28.4.2001, petitioner was informed that he was found unfit for appointment.

4. Learned Counsel for petitioner submits that petitioner was found physically fit in the medical examinations before he was issued appointment letter. The physical deformity of 'gross knock knee', cannot escape unnoticed by the Doctor who had examined him before issuance of appointment letter. Petitioner thereafter got

himself examined from the Chief Medical Officer, District Hospital, Deoria, who had not found any deformity and has declared him fit for employment in Central Reserve Police Force. A certificate dated 1.5.2001 issued to the petitioner by the Chief Medical Officer, Deoria has been annexed to the writ petition. Petitioner has also relied upon judgment of this Court in Civil Misc. Writ petition No. 36442 of 1999, Ram Shanker Mishra and Ors. v. Director General of Police, Central Reserve Police Force, and Ors. , dated 31.8.1999 and a Division Bench judgment dated 6.8.2001 in Special Appeal No. 886 of 2001, between Shyam Milan Pathak v. Union of India and Ors. , in which following the earlier judgment, petition was disposed of with the directions to the Chief Medical Officer, Allahabad and the Medical Officer, High Court Dispensary and a Cardiologist, to examine petitioner thoroughly within ten days and to submit a report of medical examination to the Additional Deputy Inspector General, Central Reserve Police Force, Group Centre at Allahabad.

5. Learned Additional Standing Counsel, on the other hand, submits that the initial medical examination, in which a health certificate was given to petitioner, was subject to the radiological and pathological fitness. Although in Para 18 of Health Certificate in Part II, petitioner was found to have 'Knock Knee', and 'bow legs'. The medical certificate was tentative subject to other examinations. The appointment letter specifically provided in Para 3 that petitioner's appointment is subject to his X-ray and Pathological examinations at his own expense, and he shall be taken to be selected only if he is found fit in the said examination. In the X-ray examination, Dr. A.K. Sinha, Chief Medical Officer, G.C.C.R.P.F., Lucknow found the petitioner suffering from 'Gross knock knee' and declared him unfit.

6. The advertisement dated 20.12.2000 specifically mentioned in 3 (physical status) that the candidates should be free from defects, like bow legs, knock-knee, flat foot or any other bodily deformities. Petitioner was declared medically fit by Dr. F. Siddiqui, Co-opted Member and Medical Officer of the Recruitment Board subject to mental and pathological test. The appointment order specifically states in Para 3 that petitioner's appointment shall be subject to fitness in pathological and radiological examination, after which he was found to be unfit due to 'gross knock knee'. Central Reserve Police Force is an armed force maintained by the

Central Government. Section 7 of the [Central Reserve Police Force Act, 1949](#) provides that it shall be the duty of every member of the Force promptly to obey and to execute all orders and warrants lawfully issued to him by any competent authority, to detect and bring offenders to justice and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist. Every member of the Force is liable to serve without and beyond, as well as within the territory of India. Rule 12 of the Central Reserve Police Force Rules, 1955 provides as below :-

'12. Health Certificate.-No candidate shall be enrolled unless he obtains a health certificate in the prescribed Form CRP-I signed by Medical Superintendent and Staff Surgeon, Central Reserve Police Hospital, Neemuch, or by a Civil Surgeon or by a Recruiting Medical Officer.'

7. The word 'knock knee' has been defined in the Pocket Medical Dictionary by L.M. Harrison as below :-

'knock-knee n. abnormal incurving of the legs resulting in a gap between the feet when the knees are in contact. In severe cases there is stress on the knee, ankle, and foot joints, resulting eventually in degenerative arthritis, the condition may be corrected by 'osteotomy.' Medical name : genu valgum'

8. The duties, that may be assigned to a Constable in C.R.P.F., require the constables not only to be medically fit but they must be in physical condition in the prescribed form. The Chief Medical Officer, Central Reserve Police Force is the competent Medical Officer to issue the certificate in Form CRF-1. In case a candidates with physical condition of having 'knock knee' is recruited, he may not be able to carry out the onerous duties assigned to him in force. The offer of appointment given to the petitioner was only conditional upon his further medical examination. There is no allegation of malafide. Further, there is also nothing on record to show that Dr. A.K. Sinha, Chief Medical Officer, C.R.P.F., Lucknow was not competent or did not have necessary qualifications to find out whether the petitioner had physical condition 'gross knock knee'.

9. In the decisions cited, as above, the Court preceded on the basis that in the medical examination made by the departmental authorities, petitioners in the said case, were found fit. In the present case on the fact on record the initial medical examination of the petitioner was subject to further tests and that his offer of appointment was also conditional upon pathological and radiological examinations. In the circumstances, I do not find any reason to disbelieve the medical opinion of Chief Medical Officer, G.C. C.R.P.F., Lucknow, and to offer the petitioner for further medical examination by Chief Medical Officer, Allahabad or by a medical team. The provisions under the U.P. Medical Manual for constituting a Medical Board for examining the candidates for admission into IAS, I.P.F. and other Central Government Services, cannot be pressed into service in the present case where almost all the candidates have been subjected to medical examination at the initial stage and thereafter in medical examination for the purposes of issuing medical certificate under Rule 12 of the Central Reserve Police Force Rules, 1955.

10. For the aforesaid reasons, the writ petition lacks merit and is dismissed.