

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.702 of 2023

Sri Samit Kumar Das

..... Petitioner(s);

Versus

Union of India & others

.....Respondent(s)

For Petitioner(s) : Ms. Sudipa Nath, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Deputy SGI.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

01/02/2024

Petitioner approached this Court with the allegation that persons junior in the merit list have been appointed though petitioner had cleared the written examination, the Physical Standard Test (PST) and Physical Efficiency Test (PET) and scored 58.78897 marks in scheduled caste category. During medical examination, he was found to be suffering from hypertension and Tachycardia which was affirmed by the Review Medical Board. Petitioner contends that he got himself examined at AGMC and GBP Hospital, Agartala and the relevant reports at Annexure-7 do not show that he is suffering from hypertension. Therefore, petitioner has approached this Court with a prayer for directing the respondents to admit him as Constable (General Duty) in any force under respondents No.3 to 10. He has also prayed for a constitution of a medical board to verify the medical fitness of the petitioner as per the advertisement at Annexure-1.

2. Counter Affidavit has been filed by the main contesting respondents No. 1 to 3. Mr. Bidyut Majumder, learned Deputy SGI has specifically referred to the statements made at paragraph 2, 6 and 7 of the

Counter Affidavit and also the treatment papers of the petitioner at Annexure-R/8 [Page 179 to 180 to the writ petition] received from the AGMC and GBP Hospital, Government of Tripura and submitted that in the Detailed Medical Examination carried out on 17.07.202, he was found to be suffering from Tachycardia Pulse 160/Min and Systolic Hypertension BP 172/85mm hg, which was reaffirmed in the Review Medical Examination report. The relevant part of the statement in the counter affidavit is extracted hereunder:

“Petitioner reported for Detailed Medical Examination (DME) on 17 July 2023 in which after examination by the Medical Officer detailed for DME, his BP was found 172/85mm hg and Pulse Rate-160/min Tachycardia. Subsequently, petitioner has been served **“Memorandum Unfit”** vide Form No.01 for Detail Medical Examination of CT/GD Exam-2022 on 18 July 2023 with reasons of (a) **TACHYCARDIA PULSE 160/MIN and (b) SYSTOLIC HYPERTENSION BP 172/85 MM HG”**

Further, petitioner applied for Review Medical Examination (RME) and reported to RME Centre at CH BSF Agartala on 19 July 2023. After careful examination by the Board of Officers (Consisting of 03 Medical Officers) detailed for RME, his BP & Pulse rate are again found high for which petitioner was admitted in CH BSF Agartala for observation. ECG report shows Sinus Tachycardia Low T Wave (V4.V5) Slight ST Depression (V3). During hospitalization w.e.f. 19 and 20 July 2023 he was found to have elevated BP & Pulse on few occasions. Therefore, the petitioner was sent for Cardiology Opinion at AGMC & GBP Hospital, Agartala on 21 July 2023 and there also his BP was found at higher side i.e. 170/90 mm hg and was advised to start T. Amlodipine 5 mg and advised Lab investigation i.e. (TMT, 2D Echo, KFT, B/L USG Renal Art Doppler & CBC) and to review with reports. Individual was given remote dates for lab investigation, hence as the recruitment process was time bound matter, he was found unfit with quoting “a case of HTN and needs further investigation & treatment” and unfit on account of Hypertension and Tachycardia.

On the basis of DME, RME and Cardiology opinion, Petitioner was served **“Review Medical Examination Report”** vide Form No.04 of CT/GD Exam – 2022 on 22 July 2023 with reasons of **“HYPERTENSION and TACHYCARDIA”** and petitioner was found unfit for whole process of medical examination for recruitment to the post of CT (GD).

It is pertinent to mention here that, RME of the petitioner has been conducted as per revised uniform guidelines contained in MHA F.No-E.32012/ADG (Med)/DME & RME/DA-1/2020 (Part File)/1166 dtd. 31st May 2021, UO. No.A.VI-1/2014-Rectt (SSB) dated 20/05/2015 as well as SSC notification. Further, as per direction issued by MHA vide U.O. No.1-45023/10/2005-Pers-II dated 24/08/2005 that no appeal against the decision of the Review Medical Board will be entertained. Moreover, the allegation of petitioner made against DME & RME regarding “BP apparatus machine not functioning properly, adjusting his machine on several occasion and hitting the BP apparatus machine” is baseless and had made false allegation.

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6. That, with reference to the statements and averments made in para 5 of the writ petition filed by the petitioner, it is submitted that the petitioner along with other total 785 candidates (including petitioner) out of which 699 male candidates and 86 Female candidates qualified in PST (Physical Standard Test)/PET (Physical Efficiency Test) conducted by Group Centre, CRPF, Agartala for recruitment to the post of CT (GD) through SSC Exam-2022 in CAPFs, NIA, SSF and Assam Rifles. Further, it is submitted that DG CRPF (Recruitment Branch) vide L/No.A.VI-1/2022-Rectt (SSB)-CT/GD-2022 dated 12 June 2023 entrusted responsibility to RA (Recruiting Agency) Ftr HQ BSF Salbagan, Tripura for Document Verification (DV), Detailed Medical Examination (DME) & Review Medical Examination (RME). The petitioner qualified in document verification and accordingly he was issued e-admit card for appearing in Detailed Medical Examination (DME). Accordingly, Detailed Medical Examination (DME) in respect of petitioner was carried out on 17.07.2023 and found ‘UNFIT’ for recruitment to

the post of CT (GD) due to reasons that (a) “TACHYCARDIA PULSE 160/MIN” and (b) “SYSTOLIC HYPERTENSION BP 172/85MM HG”. Result of Detailed Medical Examination (DME) was conveyed to the petitioner on 18.07.2023 by serving ‘**Memorandum Unfit**’ vide Form No.01 with direction that he can apply for Review Medical Examination (RME). The petitioner opted for Review Medical Examination (RME) & accordingly, Review Medical Examination of the petitioner was carried out on 19/07/2023 & again his BP & pulse rate found on higher side. Thereafter the petitioner was admitted in Composite Hospital, BSF, Agartala for observation. ECG conducted on the petitioner which shows Sinus Tachycardia Low T Wave (V4.V5) slight ST depression (V3), during hospitalization w.e.f. 19 and 20 July 2023. However, virtuous support give to the Petitioner in the form of RME (Review Medical Examination) to develop his restorative capacity.

(Copy of the PST/PET is annexed herewith and marked as **Annexure R/1**)

(Copy of letter no. A.VI-1/2022-Rectt(SSB)-CT/GD-2022, dated 12.06.2023 is annexed herewith and marked as **Annexure R/2**)

(Copy of the documents verification sheet of the petitioner is annexed herewith and marked as **Annexure R/3**)

(Copy of e-admit card for appearing in DME is annexed herewith and marked as **Annexure R/4**)

(Copy of result of DME conveyed to petitioner on 18.07.2023 vide Form no.01 is annexed herewith and marked as **Annexure R/5**)

(Copy of admission certificate of the petitioner in Composite Hospital, BSF, Agartala is annexed herewith and marked as **Annexure R/6**)

(Copy of ECG report of the petitioner is annexed herewith and marked as **Annexure R/7**)”

3. It is submitted that the petitioner was kept under observation in the Composite Hospital, BSF, Agartala. His ECG report shows Sinus Tachycardia Low T Wave (V4.V5) slight ST depression (V3). During hospitalization on 19th & 20th July, 2023, he was found to have elevated BP & Pulse on few occasions. Therefore, he was sent for specialist/cardiologist opinion at AGMC & GBP Hospital, Agartala on 21.07.2023. There also his BP was found to be at higher side i.e. 170/90 mm hg and was advised to start T. Amlodipine 5 mg and undergo Lab investigation i.e. (TMT, 2D Echo, KFT, B/L USG Renal Art Doppler & CBC) and to review with reports. The recruitment process was to be completed in a time bound manner. He was found as “a case of HTN and needs further investigation & treatment” and accordingly declared unfit on account of Hypertension and Tachycardia.

4. Mr. Bidyut Majumder, learned Deputy SGI submits that if a candidate is suffering from such a pronounced medical condition, he is

obviously unfit for discharging duties for the post of Constable (General Duty) which involves rigorous physical activity. Therefore, the plea of the petitioner is without merit and the writ petition deserves to be dismissed.

5. Ms. Sudipa Nath, learned counsel for the petitioner, has sought time to rejoin the averments made in the Counter Affidavit. However, since the Counter Affidavit of the respondents No.1 & 3, which are the main contesting respondents, has been served with sufficient prior notice, the petitioner if interested could have filed a Rejoinder within time before the matter is taken up. The statements made in the Counter Affidavit which are based on proper medical investigation and indoor medical examination of the petitioner in a BSF Hospital for two dates i.e. 19th & 20th July, 2023 are such which cannot be brushed aside in a case seeking appointment to a Uniformed Forces on the post of Constable (General Duty). In fact, upon reference to the Cardiology Department of AGMC and GBP Hospital on 21.07.2023, petitioner was found to be suffering from high blood pressure and was advised medicines, undergo several investigations like TMT, 2D Echo, KFT, B/L USG Renal Art Doppler & CBC, etc. Since the recruitment process is time bound, the employer could not have waited for outcome of these investigation reports.

6. In such circumstances, this Court in exercise of writ jurisdiction cannot sit as an appellate body to question the opinion of the experts on the question of medical fitness of the petitioner, a candidate for the post of Constable (General Duty) in CAPFs.

7. Therefore, this Court does not find any merit in the instant writ petition and it is accordingly dismissed. Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ

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