



Serial No. 63
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 311 of 2024

Date of Decision: 13.10.2025

Poshan Lal,
S/o Sh. Devanand,
R/o Village & Post Bhatagaon, Tehsil Gunderdehi,
P.S. Ranchirai, District Balod,
Chattisgarh.

... Petitioner(s)

Versus

1. Assam Rifles through its
Director General Assam Rifles,
Shillong-793010,
Meghalaya.
2. Directorate General of Assam Rifles,
Assam Rifles, Shillong-793010.
Meghalaya.

... Respondent(s)

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Ms. S. Lamba, Adv. with
Ms. J. Nongphud, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv.



i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioner is before this Court assailing his rejection of his recruitment in the Assam Rifles Technical and Tradesmen Recruitment Rally 2023, on the ground of him being found unfit due to digital tremors. The petitioner has further prayed for directions for appointment by disregarding the Review Medical Examination report date 15.07.2023.

2. Ms. S. Lamba, learned counsel for the petitioner submits that the petitioner had appeared for recruitment to the post of Warrant Officer (Personal Assistant) under General category for the State of Chattisgarh and had successfully qualified in the Test and had reported for a Detailed Medical examination, wherein he was found unfit on the ground of digital tremor. On a Review Medical Examination she submits, the petitioner was again declared unfit on the ground of essential tremors, which she contends is in violation of the Medical



Guidelines. The learned counsel then submits that the petitioner had himself re-examined in AIIMS, Chattisgarh, wherein after detailed examination, no tremors of any kind were found and he was certified to be medically fit for recruitment in the Army. Learned counsel contends that as per the Guidelines, only tremors without any organic cause, is a minor acceptable defect for recruitment, and the finding by the Review Medical Board not attributing the tremors to any organic cause, had therefore fallen into error in declaring the petitioner unfit. Learned counsel has also submitted that the Office Memorandum 31.05.2021, containing the Revised Uniform Guidelines for Review Medical Examination in CAPF and Assam Rifles etc. has prescribed that a Review Medical Board may obtain the opinion of concerned Specialist or Super Specialist of Government Medical College and Hospital in case of any doubt. In the instant case she submits no such corroboration is available from any specialist. It is also submitted that the Guidelines as clause 7 (g) thereof has provided as under:-

“7 (g) Any tremor in hands or other parts of body thyrotoxicosis should be ruled out and neurologist’s opinion should be taken.”

3. The learned counsel thus submits that the denial of appointment to the writ petitioner is unjustified and has resulted in



irreparable loss being caused and in support of the case has placed reliance in the following decisions of other High Courts.

- i) Judgment dated 09.05.2025 in WP(C) No. 26844/2020 passed by the Hon'ble Orissa High Court at Cuttack.*
- ii) Judgement dated 15.03.2023 in WP(C) No. 3103/2023 passed by Hon'ble Delhi High Court at New Delhi.*
- iii) Judgment dated 20.04.2023 in WP(C) No. 4987/2023 passed by Hon'ble Delhi High Court at New Delhi.*

4. Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel for the respondents in reply has submitted that petitioner's Medical Examination was conducted as per the Revised Uniform Guidelines issued by the Ministry of Home Affairs dated 20.05.2015 and that the same was by the Board of Specialist Medical Officers of the Force. The petitioner he submits was also referred to Zion Hospital, Dimapur for special examination conducted by Consultant MD (Radiology) and HSDP (Neuroradiology) and has been provided all the information related to his rejection during the Detailed Medical Examination and later by the Review Medical Examination Board. It is further submitted the certificate obtained from the AIIMS Chattisgarh is not by a competent authority to issue certificates



declaring the writ petitioner fit to join the Army. He therefore, submits that the petitioner having being examined thoroughly, his rejection is not arbitrary or illegal in any manner.

5. Heard learned counsel for the parties.

6. The short issue in question is whether on the basis of a Detailed Medical Examination and Review Medical Examination conducted by the respondents which admittedly contradicts a report obtained from AIIMS, Chattisgarh, the petitioner will still sustain the right to be considered for recruitment by the respondents. From the submissions of the learned counsel for the parties and on a detailed perusal of the materials on record, it is noted that the petitioner on the detection of digital tremors in the Medical Examination was put before the Review Medical Board, which also opined by a report dated 15.07.2023, that the petitioner was unfit on account of essential tremors. It is also noted in this connection that the said Examination though conducted by Specialists, when referred to Zion Hospital in Dimapur, the same however was not conducted by a Domain Specialist as stipulated by the Guidelines for Review Medical Examination. As has been submitted by the counsel for the petitioner clause 7 (g) of the Guidelines, stipulates that “*any tremor in hands or other parts of body*



thyrotoxicosis should be ruled out and neurologist's opinion should be taken.”. The same is appears from the records, has not been complied with by the respondents in conducting the Review Medical Examination. Coupled with this fact, is the report from AIIMS Chattisgarh, which found the petitioner medically fit for recruitment in the Army, on examination in the Department of General Medicine.

7. In this backdrop therefore, as there is a lack of clarity with regard to the exact medical condition of the petitioner, inasmuch as the medical examinations have not been conducted on the basis of an opinion of a Neurologist as provided in the Guidelines, it is therefore directed that the respondents shall facilitate the Examination of the petitioner at any convenient medical facility where the examination shall be conducted as per clauses 6 (d) which provides that “*Review Medical Board may obtain opinion of concerned specialist or super specialist of Govt. Medical College and Hospital in case of any doubt. Therefore, in cases of rejection in review medical examination, clinical findings should be corroborated with confirmatory tests/investigations/opinion of specialists/super specialists of Govt. Hospitals/Medical Colleges/Govt. approved private medical centers, whichever and wherever applicable*”. Needless to add the requirement



of 7 (g) quoted earlier, of the Revised Guidelines dated 31.05.2021 (Annexure P-6) to the writ petition is also to be adhered to. It is expected that the entire exercise shall be completed within a period of 4(four) months from the date a copy of this order is received by the respondents, and if found fit the petitioner shall be considered for appointment against a post of equivalent nature with seniority to be reckoned from the date on which other candidates from the Recruitment Rally of 2023, were appointed, however, without any entitlement to any back wages.

8. As ordered above, the instant writ petition stands closed and is accordingly disposed of.

JUDGE

Meghalaya
13.10.2025
"V. Lyndem-PS"