

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court:

Case No: LPA No. 49/2024

CM No. 1366/2024

CM No. 1367/2024

Uploaded on: 14.11.2025

1. Union of India
through Secretary
Ministry of Home Affairs,
Sena Bhawan, New Delhi.
2. Secretary to the Government of
India, Ministry of Personnel,
New Delhi.
3. Director Staff Selection,
Commission Block No.12, CGO
Complex, Lodhi Road,
New Delhi.
4. Regional Director Staff
Selection Commission (NWR)
Block No.3, Gr. Floor, Block
No.3, Gr. Floor, Kendriya Sadan,
Sector-09, Ground Floor,
Chandigarh-160 017.
5. Deputy Regional, Director Staff
Selection Commission (NWR)
Block Gr. Floor, Kendriya
Sadan, Sector-09, Ground Floor,
Chandigarh-160 017.
6. Director General,
Central Reserve Police (CRPF),
Block No.1 CGO Complex,
Lodhi Road,
New Delhi-110003.
7. Inspector General of Police
(IGP), Central Reserve Police
Force (CRPF),
Bantalab, Jammu.
8. Inspector General (IG), Border
Security Force (BSF),
Paloura Camp, Jammu.

...Petitioner(s)/Appellant(s)

Through: Mr. Sandeep Gupta, Advocate

v/s

1. Rakesh Kumar age 32 years,
S/O Shri Janak Raj, R/O Village
Pindi Charkan Kalan, Tehsil Arnia,
District Jammu.
2. Lekh Raj, age 34 years, S/O Shish
Paul, R/O Village Chohala,
Tehsil R.S.Pura, District Jammu.
3. Sat Paul, age 28 years, S/O mani
Ram, R/O Village Jourian, Tehsil
Akhnoor,
District Jammu.
4. Varun Raj, age 28 years, S/O Bharat
Bhushan, R/O Village Jourian,
Tehsil Akhnoor, District Jammu.

.... Respondent(s)

Through: Mr. Rajesh Bhushan, Advocate

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

ORDER
12.11.2025

1. Learned writ Court vide its judgment dated 10.10.2023 directed the appellants-writ respondents to again convene the Medical Board for re-examination of the respondents-writ petitioners and offer them appointment, if they are found fit to perform the duties of Constable GD in terms of the revised guidelines of 2015. The exercise was to be completed within three months from the date of receipt of the certified copy of the judgment by the appellants-writ respondents.
2. Being aggrieved of the judgment, this *intra* court appeal has been preferred by the appellants-writ respondents on the ground that the learned Writ Court failed to consider that the policy does not permit

even a post-operative case of tattoo removal for employment as Constable. Consequently, the Medical Board/Review Medical Board was correct in deeming the respondents-writ petitioners unfit due to the tattoo on the saluting arm. Specifically, the appellants-writ respondents contend that the learned Writ Court should not have interfered with the policy decision of the Government/Ministry of Home Affairs, as the decision was neither arbitrary nor unreasonable.

3. Heard learned counsel appearing for the parties and perused the record.
4. Pursuant to the specific query made by this Court, as to whether the judgment passed in the case titled *Sunil Kumar Vs. Union of India and others*, relied upon by the learned writ Court while rendering the judgment impugned, has been assailed or implemented, Mr. Sandeep Gupta, learned CGSC has submitted that in compliance to the directions issued by the learned writ Court in SWP No. 2108/2016 titled '*Sunil Kumar Vs. Union of India and others*', the Review Medical Examination of Sunil Kumar was conducted on 25.05.2023 at BSF Hospital, Frontier HQ BSF Jammu, wherein he was found "Unfit". In support of his submissions, he has produced the communication No. 4860/Estt-IV/FtrJmu/BSF/2017/9733-34 dated 11.11.2025, which is taken on record.
5. As the learned Writ Court has passed the impugned judgment by placing reliance upon the decision rendered in *Sunil Kumar vs. Union of India and others*, which has already been complied with by the appellants-writ respondents, we find no ground to show indulgence, as the appellants-writ respondents cannot be permitted to adopt a

“policy of pick and choose” while implementing the directions of the Court issued under similar circumstances.

6. Viewed thus, we find no good reason to show indulgence. Accordingly, the appeal, being devoid of merit, is **dismissed** along with connected CM(s), if any. The appellants-writ respondents shall comply with the judgment passed by the learned writ Court without any fail.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
12.11.2025
Madan Verma-Secy

Whether order is speaking? **Yes.**
Whether order is reportable? **No.**

