

24.12.2020

Ct. No. 24

Item No. 29

pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No. 9441 of 2020

Md. Mohbasir

-vs-

The Union of India & Ors.

Mr. Samim Ahammed,
Mr. Arka Maitra,
Ms. Saloni Bhattacharyee for the petitioner

Mrs. Indrani chakraborty,
Miss. Sarda Sha for the UOI

The petitioner was declared medically unfit in the recruitment examination of Constable (GD) in the CAPF. The ground for rejection was 'knock-knee'. The petitioner applied for review medical examination and the Review Medical Board affirmed the opinion of the Medical Officer.

According to the petitioner, no X' -Ray was conducted for detection of knock-knee. He refers to the guidelines for recruitment medical examination in CAPF wherein it has been mentioned that for knock-knee an X'- Ray plate with findings should be attached.

The petitioner submits that as the X'- Ray plate was not attached, accordingly, the opinion of the Review Medical Board and the Medical Officer ought not to be taken into consideration.

A prayer has been made for re-examination of the petitioner by a specialist doctor.

The learned advocate representing the respondents submits, upon instructions, that as per the Government of India, Ministry of Home Affairs (Police Division-II) Guidelines for recruitment in CAPF, a separation of internal malleoli of over 05 cms. will be a disqualification. It has been mentioned that the X' Ray report is not a mandatory investigation for confirmation of knock-knee of individual. The Medical Board and the Medical Officer took the decision and both were of the opinion that the petitioner was unfit on account of knock-knee.

The petitioner relies upon the certificate issued by the State Government Hospital which certifies that the petitioner does not suffer from knock-knee.

In my opinion, the report of the State Government Hospital certifying medical fitness of the petitioner cannot be taken into consideration for the purpose of giving appointment in a Para-Military Force. The parameters for checking the eligibility criteria and the medical fitness of a candidate for a Para-Military Force are grossly different from that of a civilian post. The petitioner may be fit to perform civil duties but certainly as per the report of the Medical Officer he is unfit to be recruited in the Para-Military Force.

In view of the above, the prayer of the petitioner for re-examination is rejected. The writ petition stands dismissed.

The written instruction submitted by the learned advocate for the respondents is retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)