Item No. 40

23.12.2020
Ct. No.24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)

WPA No. 10087 of 2020
Jahangir Baidya
v.
Union of India & Ors.

Mr. Gopal Karim Chowdhury
... for the petitioner.

Mr. D.N. Ray
Mr. S.N. Dutta
... for the respondents.

The petitioner participated in the recruitment examination for being recruited in the Central Armed Police Force. Though, he was successful in the written test and the physical standard test he was declared unfit by the Medical Officer on the ground of Varicose Vein(L) Poplitical Fossa.

The petitioner thereafter got himself rechecked by the Medical Officer in the Medical College Hospital, Kolkata. The doctor was of the opinion that there are few prominent veins and there is no clinically significant varicosities veins(L) Poplitical Fossa and after doppler study of vein of both the legs was normal.

Armed with the aforesaid certificate in his favour the petitioner applied for review medical examination. The Review Medical Board reiterated the opinion

expressed by the Medical Officer and declared the petitioner unfit.

The petitioner is aggrieved by the same.

The petitioner submits that there are conflicting reports of two medical officers and the case is liable to be sent to a specialist Medical Officer for reexamination.

The petitioner relies upon an unreported order dated December 21, 2020 passed by a learned Single Judge of this Court in WPA No. 9712 of 2020(Rahidul Sk v. The Director General, CRPF & Ors.) wherein direction was passed upon the respondents to permit the petitioner to appear before the Superintendent of the Command Hospital for examination.

The learned advocate representing the respondent authorities submits that as the petitioner was declared unfit both by the Medical Officer and the Review Medical Board there is no reason for reexamining the petitioner by a specialist doctor.

Upon hearing the submissions made on behalf of both the parties and upon perusal of the materials on record it appears that the petitioner was initially declared unfit by the Medical Officer of the respondents. The Medical Officer of the Medical College and Hospital, Kolkata has opined that there were few prominent veins(L) Poplitical Fossa. No significant varicose veins.

He certified that the petitioner was fit for joining BSF at present.

In my opinion, the Medical Officer of the Kolkata Medical College and Hospital was not the competent authority to issue certificate indicating that the petitioner was fit to join BSF. It is for the Medical Officer of the Paramilitary Force to take decision whether a candidate is fit to join BSF or not. The opinion of the Medical Officer of a State Government Hospital will not be binding upon the respondent authorities for the purpose of providing recruitment in BSF. The parameters for checking the fitness of a candidate in a civilian post is vastly different from the parameters applicable in the Paramilitary Force. The respondents cannot be directed to appoint a candidate who is not physically fit to perform his duties in the Paramilitary Force.

I am not convinced by the submissions made on behalf of the petitioner that his case is required to be referred to the Command Hospital, Kolkata.

WPA No. 10087 of 2020 fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

sh (Amrita Sinha, J.)