

Item No. 20

24.12.2020
Ct. No.24

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

WPA No. 10492 of 2020
Virendra Kumar Ray
v.
Union of India & Ors.

Mr. Palash Mukherjee
... for the petitioner.

Mr. Pinaki Bhattacharya
... for UOI.

The petitioner appeared in the recruitment process initiated by the Staff Selection Commission for recruitment in the Central Armed Police Force. He was declared medically unfit by the Medical Officer on three grounds (i) Varicose Veins on left leg (ii) Gross knock knee (iii) Bilateral upper limbs carrying angle greater than 20°.

The petitioner filed an appeal before the Review Medical Board and the Board was of the opinion that there was no varicose vein present and no knock knee but the petitioner was declared unfit on the ground of carrying angle greater than 20°.

The petitioner thereafter appeared before the Medical College Hospital and the N.R.S Medical College Hospital but on both the occasions the doctors were of the opinion with the carrying angle was less than 15°. According to the petitioner less than 15° carrying angle

is within the permissible limits and he is liable to be given an opportunity to appear before the specialist doctor to ensure whether he was fit for service in CAPF.

The learned advocate appearing on behalf of the Union of India submits that as the opinion given by the State Government Hospital indicates that the deficiency of the petitioner is within the permissible limits then necessary directions may be given for reexamination of the petitioner by the Superintendent of the Command Hospital.

Upon hearing the submissions made on behalf of the parties and upon perusal of the records it appears that there is a conflicting opinion in between the doctors of the State Government Hospital and the doctors engaged for conducting the medical examination in the CAPF. In fact, the opinion of the Medical Officer of the CAPF was contrary to the opinion of the Review Medical Board in respect of the varicose veins and knock knee. Accordingly, this Court thinks it fit to direct the respondent authorities to permit the petitioner to appear before the Superintendent of the Command Hospital, Kolkata for medical examination. Such examination shall be conducted within six weeks from the date of communication of a copy of this order. The report of the Command Hospital shall be communicated to the petitioner immediately thereafter.

WPA No. 10492 of 2020 stands disposed of.

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

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(Amrita Sinha, J.)