

WPA 10498 of 2020

**Sagar Chaudhary
Vs.
The Union of India & Ors.**

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Mr. Palash Mukherjee
... For the Petitioner

Mr. Bhudev Chatterjee
Mr. Subrata Roy
... For Respondents

The petitioner was declared unfit by the Chief Medical Officer in the medical examination conducted for recruitment of Constable (General Duty), CAPF. The ground for rejection was cubitus valgus in both the limbs.

The petitioner appealed before the Review Medical Board which confirmed the opinion of the Chief Medical Officer and specifically mentioned cubitus valgus in both the limbs were present.

The petitioner was examined in West Bengal University of Health Sciences, Kalyani, wherein the Doctor was of the opinion that there is no cubitus valgus in both the limbs. He is fit from orthopedic point of view as per accommodation of orthopedic surgeon and he was of the opinion that the petitioner was medically fit for the post of Constable in CAPF.

The learned advocate appearing on behalf of the respondents opposes the prayer of the petitioner for conducting a fresh medical examination before the specialist doctor.

As it appears from the records that the report of the Chief Medical Officer was affirmed by the Review Medical Board I do not think that this is a fit case for referring the petitioner before a

separate medical board for re-examination.

The parameters for checking the physical fitness of candidates in a civilian post differs from that of para military force. As the Doctor of the State Government Hospital was not empowered to give a certificate whether the petitioner was fit for the post of CAPF or not the opinion of the Doctor will not be considered as sacrosanct in this case.

The prayer of the petitioner for review medical examination by a specialist doctor is accordingly rejected.

WPA 10498 of 2020 stands dismissed.

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

(Amrita Sinha, J.)

