

WPA 10508 of 2020

**Parambir Shaw
Vs.
The Union of India & Ors.**

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Mr. Palash Mukherjee
... For the Petitioner

Mr. Indranath Mitra
Mr. Subrata Santra
... For Union of India

The petitioner appeared in the recruitment examination for the post of Constable (General Duty) in CAPF. He was declared medically unfit on the ground of loss of distal phalanx of the right little finger and flat foot on both limbs.

The petitioner appeared for a review medical examination and the members of the Review Medical Board confirmed the opinion of the Medical Officer and declared him unfit for the loss of distal phalanx of the right little finger.

The petitioner relies upon the certificate issued in his favour by the Review Medical Board on an earlier occasion when he appeared in the same examination. The petitioner submits that in the earlier examination he was declared to be medically fit and in the identification mark column it was mentioned that a scar was there in the right little finger.

The petitioner submits that since there is difference of opinion expressed by the earlier Medical Board and the present Medical Board the case is liable to be referred to the medical expert.

The petitioner further submits that no X-ray was conducted at the time of medical examination.

The learned advocate appearing on behalf of the Union of India opposes the prayer of the petitioner.

From the report of the Chief Medical Officer and the report of the members of the Review Medical Board it appears that both were ad idem with the reason for declaring the petitioner unfit for loss of distal phalanx of the right little finger.

The report of the review medical examination relied upon by the petitioner in respect of the earlier medical examination by the CAPF authority also mentions of a scar in the right little finger.

I do not think that this is a fit case for referring the same to the medical board again.

The prayer of the petitioner for review medical examination is rejected.

WPA 10508 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.)

