

Item No. 18

23.12.2020
Ct. No.24

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

WPA No. 11037 of 2020
Bikash Chandra Sardar
v.
The Union of India & Ors.

Mr. S. Ghosh
Mr. Lakshminath Bhattacharya
... for the petitioner.

Mr. Rajdeep Biswas
Mr. Subhankar Chatterjee
... for the respondent nos. 1 to 4.

The petitioner participated in the recruitment examination of the Central Armed Police Force. He was declared unfit in the medical examination by the Medical Officer on two grounds (i) TN PERFORATION-LEFT EAR (ii) HAMMER TOE-Rt 2nd.

The petitioner thereafter appealed before the Review Medical Board and the Medical Board observed that the petitioner has Tympanic Membrane Perforation in the Left Ear but no Hammer Toe was noticed.

The petitioner thereafter got himself checked in the Kolkata Medical College and Hospital and the doctors of the said hospital opined that there is bilateral normal hearing sensitivity. It appears from the above, that there are conflicting views of the doctors of the CAPF and the doctors of the State Government Hospital. In fact, there is a conflict in the decision of the Medical

Officer at the initial stage and the doctors in the Review Medical Board.

In view of the conflicting opinions of the medical experts who have checked the petitioner the Court feels it fit to refer the matter to the Command Hospital, Kolkata.

The authority of the respondents shall permit the petitioner to be checked by the Superintendent of the Command Hospital, Kolkata within a period of eight 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.

The writ petition being WPA No. 11037 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.)