

03-02-2021

ct no. 13

Sl.7

sp

WPA 1063 of 2021

Ashalata Mahata

-Versus-

Union of India & Ors.

(Via Video Conference)

Mr. Noni Gopal Chakraborty

...for the petitioner

Mr. D.N. Roy,

Mr. Anirban Mitra

...for the UOI

The matter was adjourned on January 21, 2021 to enable the learned counsel for the BSF to produce the original medical reports, particularly, that of the Review Medical Board. The following conditions found by the First Medical Officer have been confirmed by the Review Medical Board.

- (1) Absence of Secondary Sexual Character;
- (2) Menstruation not started;
- (3) Neck Swelling;
- (4) Knock knee present + (I.M.J. space > 08 cm;
- (5) USG shows Rudimentary uterus with absent ovaries.

It was further held that the petitioner found unfit for primary amenorrhoea with absent ovary.

The learned counsel for the petitioner would argue that the aforesaid medical condition found by the Review Medical Board firstly is not supported by medical documents or reports. It is further argued that the knock knee is within permissible limits and that the guidelines would require a total absent of uterus and that too congenital.

This Court has carefully considered the original documents produced by the BSF and the arguments of the petitioner. This Court sees that an absence of menstrual periods, absence of ovaries and rudimentary uterus are the principal reasons for Turner Syndrome. The documents based on which the petitioner's gynecologist condition has been assessed in a USG report dated December 22, 2020.

In those circumstances, it cannot be said that the medical opinion by the Review Medical Board is without any report.

This Court under Article 226 of the Constitution of India cannot sit in an appeal over the findings of an expert body particularly the Review Medical Board. It is for the BSF to assess the physical fitness of a candidate for the

post of constable which involves rigorous physical activity.

It is not the petitioner's case that any bias or ill will has occasioned the medical report of the Review Medical Board. Counsel for the petitioner fairly admits the same in course of the arguments.

This Court, therefore, sees no reason whatsoever to interfere with the petitioner's unfitness for medical reasons declared by the Review Medical Board. Hence, the instant writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

The Revised Guidelines of May, 2015 issued by the Government of India, Ministry of Home Affairs (Police Division-II) for Medical Examination in Central Armed Police Forces and Assam Rifles may be kept with the record.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)