

08-02-2021
ct no. 13
Sl.38
sp

WPA 1789 of 2021

Sri Pradip Kr. Yadav
-Versus-

Union of India & Ors.

**Mr. Chittapriya Ghosh,
Mr. Samir Kumar Adhikari,
Ms. Priyanka Saha,
Ms. Komal Singh**

...for the petitioner

**Mr. Rabi Prosad Mukherjee,
Ms. Sayani Bhattacharya**

...for the respondents

Affidavit of service filed in Court today be
kept with the record.

The writ petitioner is aggrieved by the
report of the Review Medical Examination dated
08.10.2020 which found him unfit for selection
for the post of Constable (GD) in the
examination conducted in the year 2018. The
writ petitioner was found to have Multiple
Nodular Swelling in both upper limbs by the
First Medical Officer.

Based on a report of the civil hospital
dated February 13, 2020, the case of the
petitioner was taken up by the Medical Board
which comprised of three several doctors. The

Review Medical Board found the petitioner unfit on account of Neurofibromatosis. The conclusion was based on a finding that the petitioner had Multiple Neurofibromatosis in both upper limbs.

Counsel for the BSF Mr. Rabi Prosad Mukherjee with his junior Ms. Sayani Bhattacharya refer to the Medical Guidelines for recruitment to the post of Constable (GD), particularly, the Office Memorandum dated May 20, 2015 issued by the Government of India, Ministry of Home Affairs, which, specifically at Item No. 11, stipulate that Neurofibromatosis is a disqualification to the post.

In view of the above, the conclusion arrived at by the Review Medical Board on October 8, 2020, cannot be faulted.

Hence, WPA 1789 of 2021 must fail and is hereby dismissed.

There shall be no order as to costs.

The Office Memorandum dated May 20, 2015 and the instructions received the counsel for the BSF be kept with the record.

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

(Rajasekhar Mantha, J.)

