

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11353 of 2021

Sumit Kumar Singh
Vs.
Union of India & Ors.

Mr. Goutam Dey
Mr. Dipendu Sarkar
... For the petitioner

Ms. Aparna Banerjee
... For the respondents

The petitioner says that the petitioner pursuant to an advertisement published by the Staff Selection Commission (in short "SSC") bearing no.3/2/2017-P&P-I in the year 2018 appeared in the examination for being recruited as a Constable (General Duty) in Border Security Force, Central Reserve Police Force, Central Industrial Security Force, Indo Tibetan Border Police, Sashastra Seema Bal, National Investigation Agency and Secretariate Security Force and Rifleman (General Duty) in terms of the said advertisement. The petitioner after qualifying the written examination, the Physical Efficiency Test and Physical Standards Test was sent for medical examination wherein he was declared unfit. Under the recruitment notice, there is a provision for Review Medical Examination (in short "RME"). The petitioner was allowed the RME which was conducted on 13th October, 2020 by the RME Board. The petitioner was found fit in the said

RME. However, the result of the RME has not been considered in the marks details uploaded by the respondent authorities in the portal, which was downloaded and printed by the petitioner on 6th February, 2021. The said marks details is at page 23 of the writ petition. The petitioner says that the result of the RME is left blank in the said marks details though he was declared fit in the RME conducted by the RME Board on 13th October, 2020.

The respondents say that the petitioner's case is pending consideration before the Deputy Inspector General, Recruitment Branch, CRPF, New Delhi, who is, however, not a party to the writ petition.

The fact remains that the SSC is the ultimate authority to prepare the list of successful candidates and recommend for appointments. The candidate details in respect of the petitioner published by the SSC, which appears at page 23 of the writ petition, clearly shows in the column of DME/RME Result as "Final Medical Status – Unfit". The petitioner as will appear from the result of the RME held on 13th October, 2020, appearing at page 21 of the writ petition, has been declared to be "Fit". The result of RME has, thus, not been considered by SSC.

In such circumstances, the SSC, being the respondent no.2 and other respondents, including Deputy Inspector General, Recruitment Branch, CRPF, New

Delhi, before whom the respondents say that the petitioner's case is pending, shall consider the petitioner's candidature by taking into account the RME result dated 13th October, 2020 which appears at page 21 of the writ petition. The petitioner shall be considered to be "medically fit" for the post of Constable against the advertisement bearing no.3/2/2017-P&P-I for the year 2018. The above exercise shall be conducted as expeditiously as possible but before the final list is prepared by SSC, otherwise the consideration of petitioner's case will be meaningless on the vacancies been filled. The exercise, in the event the final list has been prepared by SSC, has to be completed within four weeks from the date of communication of a server copy of this order. The parties, including the Deputy Inspector General, Recruitment Branch, CRPF, shall act on the basis of a server copy of this order without insisting on production of a certified copy.

The interim order dated 3rd August, 2021 is accordingly modified.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)