

22-03-2021
ct no. 13
Sl.29
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**WPA 8880 of 2020
(Through Video Conference)**

Mantu Kr. Singh

-Versus-

Union of India & Ors.

**Mr. Partha Banerjee,
Mr. Kuntal Banerjee**

....for the petitioner

**Mr. Debapriya Gupta,
Mr. Sourav Mondal**

...for the respondents

The petitioner applied for the post of Constable (GD) in the CAPFs. The selection procedure was held in the year 2018. The writ petitioner qualified at all stages except in the medical examination. He was found unfit by the First Medical Officer on account of the “Carrying Angle in the Right Arm” to be 23 degrees and Left Arm to be 23 degrees. He was also found with hyperextension of elbow. Admittedly, the carrying angle can vary from normal limit upto 15 degrees.

The petitioner obtained the opinion of the civilian Medical Officer from the Asansol Sub-Divisional Hospital and applied for review. The Asansol authorities found the petitioner to be fit

and the opinion of the First Medical Officer to be incorrect.

The review examination was conducted by three several Medical Officers. All three Officers measured the petitioner's carrying angle in both arms and found on the right arm to be in 16 degrees, i.e. in excess of normal limits and the left arm to be 15 degrees also in excess of the normal limits. However, the petitioner was found unfit on account of hyperextension of left elbow.

Admittedly, hyperextension of left elbow is a result of a deformity in the elbow, which would seriously impede a person's ability to carry heavy weaponry or arms. It could also seriously impede regular physical activity that a constable is required to undergo under the Armed Forces.

This Court, therefore, has no reason to disbelieve the opinion of the Review Medical Board. The civilian Medical Doctor's opinion is not based on any measurement.

It is an admitted position that measurements, particularly, that of carrying angle and extension of left elbows is done by goniometer.

Counsel for the petitioner would argue that the Review Medical Board has not referred to any X-ray from any external examination of

the petitioner. It is clear to the Court that the physical deficiency as mentioned in the Review Medical Board's opinion are not those, which require any internal examination. The examination is required to be conducted on the external part of the body by goniometer. Such goniometer is a regular measurement instrument. The opinion of the Review Medical Board does not call for any interference.

It is now well-settled that a writ Court does not normally interfere with the opinion of the two successive and concurrent medical opinions. The writ Court also cannot impose a plausible second view on an administrative authority. It is for the Armed Forces to determine the physical suitability of a candidate for the post of Constable in a disciplined force.

For the reasons stated aforesaid, the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)