

03-03-2021

ct no. 13

Sl.37

pk

**WPA 9899 of 2020
(Through Video Conference)**

**Firoja Khatun
Versus
Union of India and others**

**Mr. Nani Gopal Chakraborty
...for the petitioner**

**Mr. Dayashankar Mishra,
Mr. Debraj Sahu
... for the U. O. I.**

The writ petitioner is aggrieved by a decision of the Review Medical Board of the BSF dated 29th October, 2020 whereby her unfitness on account of Tachycardia was confirmed.

The writ petitioner participated in the process of recruitment to the post of Constable (GD) Examination-2018. She qualified at all stages. However, in course of medical examination, she was found to be unfit on account of Tachycardia and underdeveloped Breasts.

The writ petitioner challenged the views of the First Medical Officer and the matter was taken up by the Review Medical Board. She produced views of a Civilian Doctor, who opined that the petitioner's physical condition was normal. It was, however, found that in respect of

Tachycardia, the same should be treated by medication.

The Review Medical Board comprising of three medical officers also conducted an ECG test on the petitioner and found her to be unfit on account of Tachycardia where a pulse was found to be more than normal limits.

Counsel for the petitioner submits that in terms of the medical guidelines to be followed by the Review Medical Board, his client ought to have been referred for hospitalisation and tests. It is noted that the guidelines-in-question are merely indicative in nature as to the steps to be taken by the Review Medical Board. Admittedly, the Review Medical Board undertook its own examination process and conducted investigations and found hospitalisation was not necessary.

This Court does not find any infirmity with such decision.

This Court finds that when two Medical Authorities first comprising of one doctor and second comprising of three several doctors have found the petitioner unfit on account of Tachycardia and other physical condition is inadequacy, a Writ Court cannot sit in appeal over the findings of the Review Medical Board.

This Court does not find any infirmity in the decision making process or any violation of natural justice.

The impugned order, therefore, does not call for any interference.

Before parting with the writ petition, this Court notes that under Secretary (C-1/2) one A. K. Mondal dated 14th December, 2020 addressed to the D. I. G. (Recruitment), Dte. General, CRPF enclosed representations of 16 persons including the writ petitioner. The object and purpose of such reference is un-understood since the writ application has already been filed before this Court.

Accordingly, the instant writ petition must fail and is hereby dismissed.

No order as to costs.

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

(Rajasekhar Mantha, J.)