

20.01.2021
Sl. No.23
akd

W.P.A. 10298 of 2020

[Raju Kumar Sah -Vs- The Directorate General, CRPF (Recruitment Branch) & Ors.]

Mr. Kishore Mukherjee
Mr. Sanka Subhra Roy
... .. for the petitioner

Mrs. Indrani Chakraborty .. Sr. Advocate
Mr. Amal Kumar Datta
... .. for the UOI

The petitioner appeared in the examination conducted by the Staff Selection Commission held in the year 2018 for the post of Constable (GD).

The petitioner cleared the written examination and the fitness test. In course of medical examination, it was found on 26th August, 2020 that the petitioner was having varicose veins in the left leg and hydrocele (L) and was declared unfit. The petitioner thereafter referred himself to the Deogharh District Hospital in Jharkhand who certified that there was no evidence of varicose veins but held that there was bilateral hydrocele for which surgery was stated to have been done on 04.09.2020.

Curiously the petitioner also visited the Government Medical College Hospital at Kalyani, Nadia sometime in November, 2020 where the medical officer recommended need for surgical intervention for hydrocele.

The surgery appears to have been done post the first medical report and there is a document dated 31st October, 2020 indicating that there is mild post operative changes at scrotal wall. The matter came to be placed before the Review Medical Board on the petitioner's application who found that the

petitioner had hydrocele (I) and also varicose veins. It is further stated that the hydrocele surgery was conducted on 4th September, 2018 to resolve the issue raised by the first medical officer and the review was sought post surgery.

Learned counsel for the petitioner relied upon the Staff Selection Commission guidelines for medical fitness for recruitment to the post of Constable in CAPF for the 2018 examination. Sub-clause (b) of Clause 10 specifies that a period of three months post surgery is required to be completed at the time of first medical examination or review medical examination. For hydrocele, the waiting period is prescribed as three months. It is specifically prescribed in Clause 10(f) as hereunder :-

“ 10(f). any surgery conducted between the period of DME & RME for corrective measure of unfitness will not be accepted and be considered as unfit.”

It is clear from the writ petition and an admitted position that the petitioner had surgery for addressing the hydrocele problem in between the DME and RME.

The same is clearly a corrective measure for the unfitness already declared by the DME and hence, cannot be accepted.

For the reasons indicated hereinabove, the writ petition must fail and is accordingly, dismissed.

There shall be no order as to costs.

Urgent xerox certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)