

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1358 of 2022

Ajay Kumar Prasad
Vs.
Union of India & Ors.

Mr. Ujjal Roy
Mr. Arpa Chakraborty
... For the petitioner

Ms. Jayita Dhar
... For the Union of India

The petitioner's exception to the medical examination report filed by the Eastern Command Hospital, Kolkata, in terms of the order dated 23rd February, 2022, is taken on record.

The petitioner was on being successful in the recruitment process for the post of Sub-Inspector in Delhi Police and Central Armed Police Force (CAPFs) held for the year 2019, called for medical examination on 27th October, 2021 wherein he was declared 'unfit' on two grounds – (i) Flat Foot and (ii) Carrying Angle. At the medical examination held on 27th October, 2021, the petitioner was found to have 'Carrying Angle (Right-22° and Left-21°)' being beyond the permissible range of 10 to 15 degree. Challenging such finding of the medical examination, the petitioner approached this Court by filing the instant writ petition.

By an order dated 23rd February, 2022, the petitioner was sent for a medical examination by the Eastern Command Hospital, Kolkata. The said Eastern Command Hospital, Kolkata, after medically examining the petitioner, has declared the petitioner “unfit” on the ground of disability no.2 as indicated in the report of the medical examination conducted on 27th October, 2021. The petitioner says that the medical examination report of the Eastern Command Hospital, Kolkata, shows that the ‘carrying angle’ is within the permissible limit as mentioned in the advertisement. The other features along with the ‘carrying angle’ considered by the Eastern Command Hospital, Kolkata, is not applicable in respect of Sub-Inspector in Delhi Police and CAPFs. This parameter, according to the petitioner, is in respect of Armed Forces. The petitioner, therefor, prays for being declared to be medically fit and allowed to join the subject post for which he was selected up to the medical examination.

The petitioner was medically examined by the Selection Committee as per the provisions of the selection process in which the petitioner participated. The petitioner had challenged the finding of such medical examination and, as such, was examined by an independent organisation, namely, Eastern Command Hospital, Kolkata. The Eastern Command Hospital has also found the petitioner to be “unfit” for the job, may be not for the exact reasons for which he was declared unfit in the

medical examination held on 27th October, 2021. This Court, after considering the two reports, which have held the petitioner to be “unfit” for the post under the subject selection process, cannot further venture into the correctness of the report by expert bodies. If I have to accept the report of the Eastern Command Hospital, Kolkata, to the extent of ‘carrying angle’ in isolation to the other parts of the report which declares the petitioner “unfit” for holding the petitioner fit for the job, I have to scrutinise the report from medical angle which expertise is not available to the Court. The reports given by the expert bodies are to be taken as a whole without any pick and choose in absence of expertise. The petitioner on being found to be “unfit” under both the medical examinations cannot be declared to be fit for the particular post by curving out an exception from the report in isolation of the other parts of the same.

The writ petition, therefor, fails and the same is accordingly dismissed 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 by the respondents.

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

(Arindam Mukherjee, J.)