

09.11.2022
DL-57
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23312 of 2022

Nabin Prasad
Vs.
Union of India & Ors.

Ms. Reshmi Ghosh
....for the petitioner.

Mr. Soumak Bera
.....for the State.

Supplementary affidavit filed in Court today along with the copy of the provisional list issued by the Staff Selection Commission is retained with the records.

The petitioner applied for selection as a Constable (GD) in Central Armed Police Forces (CAPFs), NIA, SSF and Rifleman (GD) in Assam Rifles Examination, 2018. The petitioner successfully qualified in the physical efficiency test, physical standard test against the State/Union Territory-wise vacancies for general districts. The petitioner was initially declared as a medically unfit candidate based on the grounds mentioned in the medical report dated September 29, 2022. Thereafter, the petitioner applied for re-examination. From the reports of the medical re-examinations dated October 8, 2022, it appears that the reviewing authority rejected the

petitioner on the ground of being medically unfit. From the reports of the Government hospital situated at Chinsurah, Hooghly, dated October 10, 2022 and the reports dated October 14, 2022 and October 29, 2022 by Medical College & Hospital, Kolkata, it appears that the petitioner has been declared medically fit. The grounds for rejection of the petitioner's candidature do not appear to be active any more as per the medical report dated October 29, 2022.

Ms. Ghosh, learned counsel, appearing on behalf of the petitioner submits that a provisional list for Staff Selection Commission (SSC) has been published whereby it appears that certain vacancies were kept for the purpose of being filled up by the court orders/temporary unfit candidates.

Mr. Bera, learned counsel, appearing on behalf of the respondents argues that the petitioner was not a temporarily unfit candidate.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that now the petitioner has cleared the medical test and is accepted to be a "medically fit" candidate as per the reports of the government hospitals under the Government of West Bengal. Therefore, at present there is no reason not to

consider the candidature of the petitioner for recruitment as a constable in the Central Armed Police Forces. The contention of Mr. Bera cannot be accepted since within two days of the report passed by the reviewing authority, the Government hospital situate at Chinsurah, Hooghly declared the petitioner as 'Fit'.

In view of the above, this Court directs the authorities concerned to consider the candidature of the petitioner in their staff selection process taking into consideration the report given by the Government hospitals under the Department of Health & Family Welfare, Government of West Bengal. The application of the petitioner is directed to be considered as against the existing vacancies for recruitment of constables in CAPFs.

With the directions aforesaid, the writ petition, being **WPA 23312 of 2022**, is **disposed of**.

Since no affidavits have been invited in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)