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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: November 09, 2022

+ W.P.(C) 15302/2022 & CM APPL. 47481/2022(stay)

SHUBHAM SHARMA

..... Petitioner

Through: Ms. Rani Chhabra and Ms. Riya Sethi, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vineet Dhandha, CGSC, Mr. Abhigyan Siddhant (GP), Mr. Hussain Taqvi and Ms. Shruti Gupta, Advocates
Mr. Pramjit Singh, Asstt. Comdt. (Law) BSF

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. By way of the present petition, petitioner seeks quashing of Memorandum of unfitness dated 28.09.2022/29.09.2022 issued by respondent Nos. 3 and 4 and directions to the respondents to appoint the petitioner on the post of Constable (GD) in Central Armed Police Forces, NIA, SSR and Rifleman GD in Assam Rifles Examination, 2021.

2. Case of petitioner is that petitioner was found unfit in Detailed Medical Examination dated 28.09.2022 and thereafter, in Review Medical Examination dated 29.09.2022 for the post of CT/GD in Central Armed Police Force Examination, NIA, SSR and Rifleman GD in Assam Rifles Examination, 2021 on the ground that petitioner has a religious tattoo marks on the dorsum of right hand (1.5*1.5cm) which is not permissible.

3. Notice issued.

4. Learned counsel for respondents accepts notice and has opposed the present petition by submitting that right arm is saluting hand and therefore, this tattoo is not permissible as per the Office Memorandum dated 20.05.2015 issued by respondent no.2/Ministry of Home Affairs regarding revised uniform guidelines for recruitment medical examination.

5. On enquiry from the petitioner, this Court has been told that the petitioner is willing to remove the said tattoo on the right arm and that the same can be removed by a minor laser surgery. This Court also finds from the Detailed Medical Examination dated 28.09.2022 and the Review Medical Examination dated 29.09.2022 that barring the said tattoo, there were no other defects found in the petitioner.

6. Keeping in view the aforesaid position as well as in the interest of

justice, we hereby dispose of the present petition by giving liberty to the petitioner to appear before the freshly constituted Medical Board of the respondents after two weeks from today after having the tattoo in the dorsum of the right hand removed and in case the petitioner is found fit by the said Medical Board, the respondents shall further process the selection of petitioner for the post in question in accordance with law.

7. With the aforesaid directions, the present petition stands disposed of.

8. Pending application also stands disposed of.

Copy of this order be given *dasti* under Signatures of Court Master.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 9, 2022/rr