

WPA 15410 of 2023

Pinki Sarkar
Vs.
Union of India & Ors.

Mr. Debasish Kundu

....for the petitioner

Mr. Amit Chakraborti
Ms. Sarda Sha

....for the respondent Nos. 1 to 9

The petitioner applied for recruitment to the post of Constable(GO)in the Assam Rifles Examination, 2021 in CAPFs, NIA, SSF and Rifleman (GD) in SC category. The petitioner qualified in the written examination. The petitioner also qualified in the Physical Standard Test (PST) and Physical Efficiency Test (PET) held on June 3, 2022. The petitioner then appeared before the presiding officer of the recruitment board for Detailed Medical Examination (DME). The DME was held on September 12, 2022. The petitioner applied for Review Medical Examination (RME). Such Review Medical Examination was held on September 23, 2022. In the DME the petitioner was rejected for being overweight. The Body Mass Index (BMI) of the petitioner was held to be 27.3.

In the Review Medical Examination also the BMI of the petitioner was held to be 27.3. The petitioner's body weight was ad measured to be 59 kgs. Therefore, the petitioner was overweight by 7.5 kgs.

Mr. Kundu, learned counsel appearing on behalf of the petitioner refers to a document dated May 20, 2023 issued by the Department of Health & Family Welfare, Malda Medical College & Hospital, Government of West Bengal. He contends that as on May 20, 2023, the petitioner's body weight was 55 kgs.

He refers to guidelines for recruitment, Medical Examination in Central Armed Police Forces and Assam Rifles dated May 2015.

He submits that once the petitioner appeared in the PST and her weight was measured, in Detailed Medical Examination her weight could not have been measured again. In border line cases of overweight, BMI should also be considered to arrive at a conclusion and variation of 5 kgs (+)/(-) from minimum and maximum limit may be accepted.

Mr. Chakraborti, learned counsel appearing on behalf of the Union of India submits that the petitioner has been overweight by 7.5 kgs. From the annexure to the 2015 Guidelines it appears that if a female candidate ad measures 160cm in height and

is aged between 23 and 27 years (which is the applicable period for the petitioner as on the date of DME) the candidates weight was required to be between 43-52.5 kgs. Therefore, had the weight of the petitioner even after giving her the grace of (+)5 kgs. measured 57.5 kgs. on the date of DME she could have been considered for recruitment.

Considering the rival submissions of the parties and the materials placed on record, it appears from the PST report that the petitioner ad measured 159 cms in height. The weight of the petitioner was measured to be 58 kgs. There is no comment with regard to whether the said weight is within the permissible limit for recruitment. It was clearly recorded the PST report that candidates **must ensure to be in weight criteria at the time of DME. It is indicated that from DME the weight will be measured/calculated as per the height and age chart only.** This Court finds that the PST was held on June 3, 2022. By the time the DME was held in September 12, 2022, the petitioner gained 1 kg more. In the RME held on September 23, 2022 the petitioner weighed 59 kg.

Therefore, this Court finds no substance in the argument that the petitioner could not have been weighed during the DME. It is clearly indicated

during the PST that a candidate **must** ensure to be in the weight criteria at the time of DME.

This Court also finds no perversity in the decision making process of the authorities concerned as on the date of RME, the petitioner weight 59 kgs. and was beyond the permissible limit of (+) 5 kgs.

The petitioner's date of birth is February 10, 1995. The RME was held on September 23, 2022. This Court also does not find any substance in the argument that since the petitioner is aged 27 years and a few months on the date of RME, she should have been considered to be 28 years on that date. Till 9th February, 2023 the petitioner had to be considered as 27 years of age.

This Court has not appreciated at all the stance of the petitioner in filing the instant writ petition by getting her body weight measured at Malda Medical College & Hospital, after 8 months from the date of RME. The writ petition is meritless and filed on absolutely frivolous grounds.

In such view of the matter **WPA 15410 of 2023** is **dismissed**.

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)