

13.09.2023
DL-31
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 18853 of 2023

Akash Garai
Vs.
The Union of India & Ors.

Mr. Jitendra Das Gupta,
Mr. Kalyan Kumar Bhattacharjee,
Ms. Sahina Khatun
....for the petitioner.

Ms. Indrani Chakraborty
....for the respondent nos.1, 3 & 5.

The petitioner participated for recruitment in the examination conducted by the Staff Selection Commission (SSC) for the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau Examination, 2022. The petitioner qualified in the written test as well as in the Physical Standard Test (PST) and Physical Efficiency Test (PET). In the Detailed Medical Examination (DME) held on July 22, 2023, the petitioner was rejected on 2 grounds:- (i) Hypertension (ii) Tachy Cardia. In the Review Medical Examination (RME) held on July 29, 2023, the petitioner was also declared to be **unfit** on the ground of hypertension.

Mr. Gupta, learned counsel appearing on behalf of the petitioner submits that such rejection on the ground of hypertension should be a temporary one and the petitioner again be reviewed in the RME for

assessing whether he is **fit** for being recruited to the post of Constable (GD).

Ms. Chakraborty, learned counsel appearing on behalf of Union of India submits that the petitioner was declared to be **unfit** in DME as well as in the RME on the ground of hypertension. There is no scope of further appeal. She hands over written instructions in Court today. Such written instructions are retained with the records.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that under clause 6(1) of the general grounds for rejection as per the guidelines for Recruitment, Medical Examination in Central Armed Police Forces (CAPFs) and Assam Rifles, hypertension is one of the grounds.

Admittedly, the petitioner suffered from hypertension when DME and RME were conducted.

Therefore, this Court finds no infirmity in the decision making process of the authorities concerned.

Furthermore, the petitioner has also not appended any independent opinion by a Medical Officer of a Government college in support of his claim that had he been assessed on a different date he would not have been found suffering from hypertension.

Accordingly, **WPA 18853 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copy 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.)