

16.
18.9.2023
S.D.

W.P.A. 20077 of 2023

Bijoy Ghosh
Vs.
Union of India & Ors.

Mr. Debasish Kundu

..For the Petitioner

Mr. Sukumar Bhattacharya

Ms. Tanusree Ghosh

For the Respondents

The petitioner applied for recruitment for the post of Constable in the Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in the Assam Rifle and Sepoy in Narcotics Control Bureau Examination, 2022. The examination is conducted by Staff Selection Commission (SSC).

In the Detailed Medical Examination (DME) held on August 25, 2023, the petitioner was declared **unfit** on two grounds, i.e. *Pterygium* in the right eye and defective colour vision in the same eye. In the Review Medical Examination (RME), the petitioner was held **unfit** due to *Pterygium* in evolution.

The Review Medical Examination (RME) was held on August 7, 2023.

Mr. Kundu, learned counsel appearing on behalf of the petitioner submits that the petitioner got himself examined on May 17, 2023 at a Government hospital. From the said Report, it appears that the petitioner has Normal Colour Vision. Therefore, he prays assessment by an independent Medical Board.

Mr. Bhattacharya, learned counsel appearing on behalf of the Union of India submits that in the RME also, the petitioner was held to have Normal Colour Vision. However, there is no finding to the effect that the petitioner did not suffer from *Pterygium* in the Report sought to be relied upon by the petitioner.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that the Medical Report relied upon by the petitioner is a document dated May 17, 2023 prior to the DME and the RME held by the SSC. In the RME, the petitioner was not held to be **unfit** on account of “colour vision”. The petitioner was held to be **unfit** only on account of “*Pterygium*”. How can the petitioner seek to rely on a Medical Report that was conducted before DME and RME were held is also beyond the comprehension of this Court.

There is no documentary evidence to show that the petitioner did not suffer from “*Pterygium*”.

Therefore, it finds no infirmity in the decision making process and the respondent authorities.

It has also not appreciated the petitioner's conduct of relying on a document of May 2023 for the purpose of assailing the decision making process of the Respondent authorities.

Accordingly, **W.P.A. 20077 of 2023 is dismissed.**

Since no Affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the writ petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

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

(Lapita Banerji, J.)