

12.12.2023  
Court No. 13  
Item No. 21  
AP

**WPA 20860 of 2023**

**Paritosh Ghosh  
Vs.  
The Union of India & Ors.**

Mr. Debasish Kundu

... For the Petitioner.

Mr. Dibashis Basu

Mr. Rajesh Kumar Shah

... For the Union of India.

1. The President, Medical Board of the Eastern Command Hospital, Kolkata has submitted a report dated 16<sup>th</sup> October, 2023 and the same is taken on record.

2. The petitioner has been found medically fit in “Inguinal Hernia”.

3. Let a copy of the report be made available to the learned counsel for the parties.

4. The report of the Command Hospital contradicts the findings of the DME and RME of the CAPFs.

5. It appears that the final list of successful candidates has been published.

6. Counsel for the Union of India submits that since there has been no direction at the time when the writ petition was admitted on 18<sup>th</sup> September, 2023 that a post has to be kept vacant, there is no way that the writ petitioner can now be accommodated.

7. This Court is unable to countenance the argument of the Union of India. The writ petitioner has been diagnosed wrongly by both the DME and RME. Whereas the writ petitioner has been declared medically fit by a reputed Medical Board of the armed forces.

8. The respondents, therefore, shall complete any other steps that may be left in the recruitment process of CAPFs for the year 2022 and accommodate the writ petitioner in any of the forces for which the recruitment process was undertaken for the post of Constable (GD).

9. It is expected that the aforesaid exercise shall be completed by the respondents within a period of one month from date mandatorily and positively.

10. With the aforesaid directions, the writ petition is disposed of.

11. There shall be no order as to costs.

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

**(Rajasekhar Mantha, J.)**