

34.
18.1.2023
S.D.

W.P.A. 23684 of 2022

Kaushik Sarkar
Vs.
Union of India & Ors.

Mr. Debasish Kundu

...For the petitioner

Mr. S.N. Dutta

Mr. S. Karmakar

...For the Respondents

Pursuant to an order dated November 22, 2022 passed by this Court, the Superintendent, Eastern Command Hospital was directed to constitute a Board and examine the petitioner and file a report regarding the possibility of the medical infirmities declaring the petitioner to be “**unfit**” in RME with the performance of his duties in the post of Constable (GO). From the report dated January 3, 2013 passed by the President of the Medical Board for Commandant, it appears that the petitioner was held medically “**unfit**” for carrying angle > 20° both arms and unable to squat (imbalance). The petitioner was held medically “**fit**” in terms of the High Arched Feet.

The report dated January 3, 2023 is retained with the records.

Therefore, the petitioner was considered “**unfit**” for service since there is a deficiency of the carrying angle of both arms and inability to squat.

Nothing further remains to be adjudicated in the present writ petition.

The writ petition being **W.P.A. 23684 of 2022** is **dismissed**.

Needless to mention that the interim order to keep one post of the Constable vacant is also vacated.

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 **website** of this Court.

(Lapita Banerji, J.)