

WPA 25817 of 2022

Pinki Ghosh
Vs.
Union of India & Ors.

Mr. Gourav Das
Mr. Hemanta Kumar Das

....for the petitioner

The petitioner was successful in the written test held by the Staff Selection Commission for the post of Constable in the Assam Rifle Examination, 2021. The petitioner applied as an OBC candidate.

The petitioner was also successful in the Physical Standard Test (PST). During the Detailed Medical Examination (DME), the petitioner was declared '**unfit**' for two reasons: -

- (i) under developed Breast
- (ii) Varicose Vein in the left leg

The petitioner was reviewed in the Review Medical Examination (RME). In the RME the petitioner was found to be '**unfit**' on only one ground. The said ground is varicose vein in the left leg. Thereafter, the petitioner got herself examined at the Murshidabad Medical College and Hospital and it was held by the medical officer that the petitioner was normal. There was no evidence of varicose vein noted.

Mr. Das, learned counsel appearing on behalf of the petitioner on December 6, 2022 prayed for review of the medical condition of the petitioner by a medical test being conducted by an independent authority.

By an order dated December 6, 2022 this Court directed the Superintendent of Eastern Command Hospital to review the medical condition of the petitioner with regard to her '**fitness**' for being appointed to the post of constable with the Border Security Force (BSF) after examining the issue raised in the RME dated September 28, 2022.

Upon the said review examination being held it has been stated by the President of the medical board for the Command Hospital (EC) that the petitioner is '**fit**' in respect of varicose vein in the left leg.

In view of such report by the President of the Command Hospital, this Court sets aside and/or quashes the report of the Review Medical Board dated September 28, 2022 and the Report of the Detailed Medical Examination dated September 21, 2022.

The authorities concerned shall take necessary steps for recruitment of the petitioner to the post of constable with the BSF upon compliance

of all the necessary formalities and in accordance with law within a period of three months from date.

With the directions aforesaid, **WPA 25817 of 2022** is **disposed of**.

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)