

13.02.2024
SI No.12
Court No.8
(gc)

MAT 201 of 2023
CAN 1 of 2023
Koushik Sarkar
Vs.
Union of India & Ors.

Mr. Debasish Kundu
...for the Appellant.
Mr. S.N. Dutta,
Mr. Saikat Karmakar
...for the Respondents.

1. Affidavit of service filed in Court is kept with the record.
2. The appeal is arising out of an order dated 18th January, 2023 in a writ petition in which the appellant/petitioner has challenged the decision of the authority concerned in not giving him an appointment on the ground that he is unfit.
3. It appears that during the pendency of the writ petition, an order was passed on 22nd November, 2022 by which the Superintendent, Eastern Command Hospital was directed to constitute a Board and examine the petitioner and file a report regarding the possibility of the physical infirmities on the basis of which the petitioner could be declared as unfit and as has been done by the RME with regard to the performance of the duties of the

petitioner in the post of Constable (GO). From the report dated 3rd January, 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.

4. In view of the aforesaid report, the petitioner cannot be considered to be fit and, accordingly, the finding of the learned Single Judge that the petitioner was considered unfit for service in view of the deficiency of the carrying angle of both arms and inability to squat does not call for any interference.
5. The appeal fails.
6. Accordingly, the appeal and the application are dismissed.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)