

**28.11.2024**

**Sl. No. 05**

**Ct. No. 23**

**Srimanta**

**WPA/20512/2024**

**Biltu Ganguly**

**-Vs.-**

**Union of India & Ors.**

Mr. Lakshminath Bhattacharya

...for the petitioner.

Mr. Koushik Roy,

Mr. Sourav Sengupta

...for the respondent nos. 1 to 4.

The petitioner participated in the selection process for appointment of 'Constable (Technical & Tradesmen) in Central Reserve Police Forces (in short, CRPF) in terms of an advertisement notice dated 1<sup>st</sup> July, 2023. The petitioner on being successful in the computer based written examination, was called for physical standard test/physical efficiency test. The petitioner on being successful in such tests was called for a detailed medical examination (in short DME) on 15<sup>th</sup> July, 2024. The petitioner was rejected on certain medical grounds which, *inter alia*, include overweight, extensive fungal infection over Buttocks and Thigh, defective colour vision and Keloid on the chest.

The petitioner went for the review medical examination (in short RME) when the petitioner was declared unfit on the ground of overweight and extensive fungal infection over Buttocks and Thigh.

The petitioner subsequently got him examined at Government hospitals when it was found that the grounds on which the petitioner was declared unfit does not subsist. The petitioner, therefore, has approached this Court challenging the result of review medical examination.

The learned Advocate representing the respondent nos. 1 to 4 have received the instruction for which the matter was adjourned on 25.11.2024 and has placed before this Court the result of the medical examination conducted on 15<sup>th</sup> July, 2024 and the review medical examination conducted on 16<sup>th</sup> July, 2024 pursuant to the appeal made by the petitioner. It is submitted by the respondent nos. 1 to 4 that there is no further scope of review or appeal against the result of the review medical examination.

On behalf of the petitioner it is submitted that the medical examination was conducted on 15<sup>th</sup> July, 2024 and the review medical board examined the petitioner on the very next date, i.e., 16<sup>th</sup> July, 2024. The petitioner says that the initial medical examination which is termed as detailed medical

examination (DME) had declared the petitioner unfit on four grounds while the review medical examination (RME) rejected the petitioner's candidature on two grounds. The petitioner says that on 22<sup>nd</sup> July, 2024 the petitioner had got himself examined at the IPGMR and SSKMH Hospital at Kolkata where his bodyweight was recorded as 72 Kg which is within the permissible limit and as such the petitioner was not overweight for which he has been rejected. The petitioner says that the other ground on which the petitioner's candidature has been declared by IPGMR and SSKMH is fungal infection which has been held to be non-communicable and as such the petitioner should not be declared unfit for the same.

On a perusal of Clause 12.9.2 of the employment notification, which provides for detailed medical examination, it is clearly stated that the candidates declared unfit during detailed medical examination will be allowed to undergo review medical examination provided they give their written consent. The review medical examination is conducted on the very next date. In Clause 12.9.2.6 it is clearly stated that if the candidate is found fit in review medical examination he should be considered as medically fit candidate for the final merit list/result thereby ignoring the result of DME. It is, therefor, clear that

the result of the review medical examination is the final and binding result in respect of medical examination of a candidate. On a perusal of the reports issued by IPGMER and SSKMH annexed at pages 70 to 72 of the writ petition it is clear that Keloid over chest and fungal infection is bodily present in the petitioner but the same is non-communicable and will not affect the physical health of the petitioner. The said medical report therefor confirms that the Keloid on chest and the fungal infection are bodily present in the petitioner. It may not be a communicable disease but it can be a ground of unfitness considering the job for which the petitioner's candidature is being considered. The review medical board is more equipped with the physical parameters which makes a candidate unfit while government hospital may have all the expertise but not posted with fitness required for the said selection process.

Going by the conditions stipulated in the selection process and accepting which the petitioner participated in the same and the medical reports of IPGMER and SSKMH where at least one of the grounds on which the petitioner has been found to be unfit is present, I am not inclined to send the petitioner for a further medical check up to consider his candidature

on the basis of the result of such medical examination.

The writ petition, therefor, fails and is accordingly dismissed.

**(Arindam Mukherjee, J.)**