

24-01-2024
ct no. 13
Sl. 4
sp

WPA 20550 of 2023

Utpal Kalindi

-Versus-

Union of India & Ors.

Mr. Biswaranjan Bhakat

...for the petitioner

Ms. Smita Das De

...for the Union of India

1. This Court notes that by earlier order dated December 12, 2023 and also that of a Co-ordinate bench on September 20, 2023, a second opinion was proposed to be sought on the clinical fitness of the petitioner to serve in the CAPF.
2. Having heard the learned counsel for the parties and considered the records, this Court notes that neither the CAPF nor any of the medical authority relied upon by the petitioner, have doubted the hearing ability of the petitioner. What is relevant is the physical appearance of the petitioner.
3. The deformed ear of the petitioner constitutes a bar under the guidelines for the medical fitness applicable to all CAPFs.
4. In that view of the matter, even if one accepts that the hearing of the petitioner is

absolutely normal, the guidelines and rules of recruitment for the post of Constable (GD) stand in the way of the petitioner.

5. This Court, therefore, cannot come to the aid of the petitioner. It is unlikely that any civilian medical board, can render any contrary opinion on the admitted deformity in the petitioner's ears.
6. The argument of the petitioner that the deformity cannot stand in the way of the hearing of the petitioner is not an argument that can be accepted in the facts and circumstances of the case. The medical guidelines of the CAPF are clear and explicit. The view of the Review Medical Board of the CAPF, calls for no interference.
7. The writ petition is, therefore, disposed of without any order.
8. There shall be no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)