

24.01.2024.
Court No.13
Item No.8
pk

W.P.A. No. 24447 of 2023

**Titu Dey
Versus
Union of India & Ors.**

Mr. Ujjal Ray,
Mr. Arpa Chakraborty,
Mr. Sk. Abdul Rahim

...For the petitioner.

Mr. Dhiraj Trivedi, Ld. DSGI
Mr. K. C. Das

...For the respondents.

1. The petitioner is aggrieved by a report of the Review Medical Examination conducted by the S.S.C. for recruitment to the post of Constable (GD) in the CRPF. The DME as well as the Review Medical Examination Board found a lump in the petitioner's breast apart from the other problems.
2. The Review Medical Examination Board, however, rejected the petitioner's case on the ground of Fibroadenoma in the left breast. The opinion was based on a USG of the concerned part of the petitioner's body.
3. The petitioner relied upon the report of the Atul Memorial Polyclinic & Diagnostics where both left and right breasts were found to have a hypoechoic SOL.
4. The respondents have submitted two reports.
5. In both reports, the opinion of the recruitment authorities of Medical Board is reiterated.

6. It is true that the petitioner's medical condition may not be carcinogenic at this stage or even at any point of time in future. The CRPF Authorities have found that the petitioner would not be able to undertake stringent training and duties entrusted to a constable. Such training would also subject the body to extreme conditions and wearing of bullet proof and other apparel and carrying of weapons.

7. The petitioner's medical condition i.e. lump on the left breast and now also on the right breast would definitely interfere with the performance of duties and wearing of uniform and carrying weapon.

8. Mr. Ray, learned advocate for the petitioner vehemently submits that the petitioner's dreams would be shattered as her father also served in the Armed Forces.

9. While this Court has empathy for the petitioner's emotions, it would be extremely unfair and onerous on the respondents for the Court to impose any other view after they have taken a view that the petitioner would be unfit to undertake training and duties of Constable (GD) in the CRPF.

10. Reliance placed on paragraphs 8 and 9 of the decision of the Delhi High Court in the case of **K. M. Priyanka Vs. Union of India and others** reported in **2020 SCC OnLine Del 1851** by the respondents may not be misplaced. A Writ Court cannot saddle the CRPF with a liability of a potentially sick candidate,

who may not be of any use for the purpose for which she is being recruited.

11. In that view of the matter, no relief can be granted to the petitioner.

12. The writ petition fails and is hereby dismissed.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)