

10.04.2024
SI No.2
Court No.8
(gc)

**MAT 2043 of 2023
CAN 2 of 2023**

**Sanjay Das
Vs.
Union of India & Ors.**

Mr. Debasish Kundu,
Mr. Bidan Modak
.....for the Appellant.
Mr. D.N. Ray,
Mr. Rajesh Kumar Shah
...for the U.O.I./Respondents.

1. We have heard the learned Counsel for the parties and considered the report filed by AIIMS. It appears from the report of AIIMS that the writ petitioner had a past history of Tinea Corporis and he was diagnosed with such disease at least six months back. On the date of the medical examination of the petitioner, admittedly the petitioner was suffering from such dermatological problem on buttock. Detailed Medical Examination (DME) and Review Medical Examination (RME) of the petitioner was conducted on 26th July, 2023 and 31st July, 2023 which is more than seven months before and the candidature of the petitioner was rejected due to Chronic extensive fungal dermatitis on buttock which is one of the grounds

mentioned in the uniform Guidelines for recruitment Medical Examination for GOs and NGOs in CAPFs and AR issued vide MHA UO No. A.VI-1/2014/Rectt (SSB) dated 20th May, 2015 Para No.6(19) under head 'General Grounds for Rejection'.

2. Mr. D.N. Ray has submitted that the physical ability of the candidate has been assessed on the date of the medical examination and not on the basis of a report of a Government hospital seven months back as it would appear from the report of the AIIMS that the appellant was under medication and it was only thereafter he was examined after seven months in terms of the order passed by this Bench. It is, thus, submitted that the eligibility criteria must be fulfilled on the date of examination and physical fitness of the candidate has to be assessed as it existed on that date. Moreover, the parameter for checking the physical fitness of candidates in a civilian post differs from that of CAPFs. The CAPFs personnel requires a high level of mental and physical standard of mandatory basic/combatant training and to serve in toughest circumstances.

3. Mr. Ray has also submitted that it has been consistent view of all the Courts that the standard of physical fitness for the armed forces and the police forces is more stringent than for civilian employment and in the event no mala fide is attributed to the selection process and in the decision making process the views of the doctors of the forces who are well aware of the demands of the duties of the forces in which the candidate would be recruited and would be required to work upon such recruitment is to be accepted.
4. It appears from the report of the AIIMS that the person was suffering from Tinea Corporis at the relevant point of time when he was examined and the authority concerned has taken the said decision based on the report of the Dermatologist in this regard.
5. In view of the aforesaid, we do not find any mala fide in the decision of the recruitment authority in declaring the writ petitioner medically unfit for the said post.
6. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.
7. The appeal fails.

8. The appeal and the application, accordingly, are dismissed.
9. However, there shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)