

Form No. -J(2)
Item No. 32/ML
Court No. 26

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi
M.A.T. 2502 of 2023
With
I.A. No. CAN 1 of 2023
Shibdas Mondal
VS.
The Union of India & Ors.

For the Appellant : Mr. Suryasarathi Basu

For the Union of India : Ms. Chandreyi Alam
Ms. Runu Mukherjee

Hearing on : 12.06.2024

Judgment on : 12.06.2024

DEBANGSU BASAK, J.:-

1. Appeal is directed against the order dated November 30, 2023 passed in W.P.A. 23256 of 2022.
2. By the impugned order, learned Single Judge dismissed the writ petition on the ground that, the authorities correctly rejected the candidature of the appellant as medically unfit.
3. Learned advocate appearing for the appellant submits that, the appellant participated in the selection process for the

appointment to the post of Constable General Duty. He refers to the Guidelines for Review Medical Examination and particularly to guideline no. 3 thereof and submits that, so far as the rejection on the ground of hypertension/tachycardia is concerned, the authorities were required to hospitalise the appellant first and thereafter proceed to decide on such issue. Moreover, he contends that, the rejection, purely on the ground of clinical examination was not prescribed.

4. Learned advocate appearing for the appellant draws the attention of the Court to the order dated February 28, 2024 passed by the coordinate Bench. He submits that, the authorities conducting the medical examination pursuant to such order, did not comply with the guidelines for review medical examination.
5. Learned advocate appearing for the Union of India makes over a copy of the review medical examination report undertaken pursuant to the order dated February 28, 2024.
6. Appellant before us participated in a selection process for the post of Constable General Duty. In the selection

process, he was found to be medically unfit. Medical Review Board examined the appellant and concurred with the finding that, he was medically unfit. His candidature was rejected. Being aggrieved by the rejection of such candidature, the appellant preferred the present writ petition, which was dismissed by the impugned order dated November 30, 2023.

7. In the present appeal, the coordinate Bench, required the authorities to submit a report by an order dated February 7, 2024 after noticing the relevant provisions of the guidelines. Such report was submitted in Court and was noted by the order dated February 28, 2024.
8. By the order dated February 7, 2024, the coordinate Bench required the appellant before us to be present before a medical board for the purpose of his examination. Appellant presented himself for examination. The report of such examination of the appellant pursuant to the order dated February 7, 2024 was adverse to the appellant.
9. Despite such adverse report, the coordinate Bench by an order dated February 28, 2024 required re-examination of the appellant by a medical board. Pursuant to the order

dated February 28, 2024, appellant was re-examined, as required by the coordinate Bench. Report with regard to such re-examination submitted today be taken on record. Such report is also adverse to the appellant.

10. In all the reports, the doctors examining the appellant are of the unanimous view that the appellant suffers from hypertension.
11. Rejection of the candidature of the appellant, therefore, on such ground, cannot be faulted.
12. The contention of the appellant is that, the medical examinations of the appellant were not conducted in terms of the prescribed guidelines. With respect, we are unable to accept such contention in view of the fact that, the coordinate Benches passing the orders dated February 7, 2024 and February 28, 2024 were apprised of the guidelines. Their Lordships directed examination in terms of such orders. Appellant was examined in terms of such orders of the co-ordinate Benches. Medical experts examining the appellant are of the unanimous view as to the medical condition of the appellant. Such medical condition is a ground for rejection of candidature of any

applicant in the selection process. Views of the experts need to be given due importance. Nothing on record to suggest a contrary view.

13. In such circumstances, we find no merit in the present appeal.

14. M.A.T. 2502 of 2023 along with connected application is disposed of accordingly, without any order for costs.

15. Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Debangsu Basak, J.)

16. I agree.

(Md. Shabbar Rashidi, J.)