

06.05.2025
Item No.52
gd/ssd

MAT/86/2025
SAYAN ADHIKARY
VS
UNION OF INDIA AND ORS.
IA NO: CAN/1/2025

Mr. Siddhartha Sankar Mandal,
Ms. Arunima Das Sharma
..for the Appellant.

Mr. Anirudha Bagchi,
Ms. Sabita Roy
..for the Respondents.

1. This intra court appeal by the writ petitioner is directed against the order dated 24th December, 2024 in WPA 27638 of 2024.

2. The said writ petition was filed by the appellant praying for issuance of a Writ of Mandamus to set aside the memo dated 7.10.2024 issued by the Detailed Medical Examination Board declaring the appellant as unfit for being selected to the Post of Constable in Central Armed Police Forces (CAPFs).

3. The learned writ court after considering the entire facts and circumstances of the case dismissed the writ petition.

4. Aggrieved by such order, the present appeal has been filed.

5. We have elaborately heard the learned advocates for either of the parties.

6. The first and foremost submission of the learned advocate for the appellant is that the medical

assessment has to be done by the respondent in terms of the office memorandum dated May 31, 2021 which are the revised uniformed guidelines for review medical examination in Central Armed Police Forces and Assam Rifles for G.Os. and N.G.Os. which were amended.

7. Referring to Clause 6 of the said office memorandum, it is submitted that under the said Clause, 28 grounds have been listed which will be the grounds for rejection of a candidate on medical grounds.

8. It is submitted that the medical condition as mentioned in the report drawn by the Medical Board has stated that the appellant is unfit on account of the Multiple Ulcerative Skin Lesions with Nodules on Scrotum both sides and the USG of Scrotum showed multiple hypothesis lesions on the Scrotum skin Granulomatous and this is one of the conditions which have been listed in Clause 6 of the office memorandum.

9. Further, the learned advocate for the appellant placed reliance on the medical report which he had obtained from the Medical College and Hospital, Kolkata which shows that his health condition that he is fit.

10. The learned advocate for the respondents submitted that the documents which have been relied upon with regard to the present health condition of the appellant were not the documents which were placed

before the learned writ court and those documents cannot be looked into.

11. After we have elaborately heard the learned advocates for the parties, we need to first point out that the jurisdiction of the writ court under Article 226 of the Constitution is not available for reappraising an expert opinion, more particularly a medical opinion. Another important factor is that the recruitment is of a uniformed service and the question of relaxing the norms specially with regard to the health condition of the candidate would not arise.

12. Therefore, the court cannot sit in judgment over the decision taken by the Medical Board which has declared the appellant as medically unfit.

13. Apart from that, Clause 6 of the office memorandum dated May 31, 2021 are general grounds for rejection and 29 such grounds have been set out.

14. In our view, the general grounds for rejection have to be held to be illustrative and not exhaustive as the Government will not be in a position to list all the diseases which may arise and a person having such medical condition may not be fit to perform a uniformed service under the Central Government.

15. Therefore, the observations of the learned Single Bench are well justified in this regard.

16. Therefore, we agree with the conclusion arrived at by the learned Single Bench in dismissing the writ petition.

17. However, considering the age of the appellant as on date, we give liberty to the appellant to submit a representation to the Inspector General of the Central Armed Police Forces along with the medical records of the appellant reflecting the present medical condition of the appellant and if such representation is submitted, the concerned authority may consider the same and take a decision in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of the representation.

18. Accordingly, the appeal is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)