

Form No. J.(2)
Item No. DL/1
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 2044 OF 2025

SUBHASHIS KUMAR MISHRA

Vs.

UNION OF INDIA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	: Mr. Tulsi Das Ray, Adv. Mr. Tirthankar Roy, Adv.
For the Respondent Nos.1 & 4-6	: Mr. Samir Kumar Dutta, Adv. Mr. Debashish Basak, Adv.
For the State	: Mr. Susanta Pal, Adv. Mr. Abhishek Chakraborty, Adv.
Hearing concluded on	: 02.12.2025
Judgment On	: 02.12.2025

SAUGATA BHATTACHARYYA, J.:

1. In terms of the order dated 4th November, 2025, a report prepared by the Medical Board of IPGMER and SSKM Hospital, Kolkata dated 24th November, 2025 enclosed to the letter dated 26th November, 2025 of Medical Superintendent-cum-Vice Principal, IPGMER-SSKM Hospital, Kolkata, is placed before this Court and same is taken on record.

2. Issue which needs to be addressed by this Court is whether petitioner is to be adjudged medically fit or not for his selection for the post of Constable (G.D.) in Central Armed Police Forces (CAPFs).
3. Petitioner has made out a case that though he was declared medically unfit by the concerned respondent authority in review medical test since he was found to have been suffering from enlarged thyroid but Professor, Department of ENT of a Government Medical College and Hospital, Kolkata opined *vide* medical report dated 12th October, 2024 that he was not suffering from enlarged thyroid.
4. Based on such medical report dated 12th October, 2024, petitioner prayed for direction upon the concerned respondent authorities to declare him medically fit for his selection for the post of Constable (G.D.) in CAPFs.
5. Previously on hearing the learned advocates representing the parties and taking note of two divergent views expressed by different medical experts, this Court found it fit to refer the petitioner to an independent medical expert for medical examination in order to find out whether petitioner is suffering from enlarged thyroid or not. Accordingly, *vide* order dated 4th November, 2025 concerned Department of SSKM Hospital, Kolkata was directed to medically examine the petitioner and submit a report.
6. From the medical report which is submitted today dated 24th November, 2025, it is found that petitioner is not suffering from enlarged thyroid.

Relevant part of the medical report dated 24th November, 2025 is quoted below:

“In continuation with the previous board meeting, had recommended few tests and evaluated the Result of the same today.

- 1. Blood tests for thyroid function for physiological function of thyroid gland was found to be absolutely normal

- 2. Ultrasonography of thyroid:

- Size of thyroid glands NORMAL & NOT ENLARGED

- An incidental tiny cyst of thyroid was present (lobe) which is a variant of normal with no clinical significance.

Summary: The current thyroid function & anatomy is NORMAL and is NOT A CONTRAINDICATION for disqualification of employment.”

7. Learned advocate representing Union of India has placed reliance upon an order dated 16th November, 2023 passed by a Co-ordinate Bench on a writ petition being **WPA 20911 of 2023 (Koushik Gayen vs. Union of India & Ors.)** in order to substantiate the case of the respondents that petitioner is not medically fit. Ratio of **Koushik Gayen** (*supra*) relates to low haemoglobin level in the blood of the candidate based on which, in review medical examination petitioner was found to be not fit. In the backdrop of such facts, it was observed by the Co-ordinate Bench that medical condition of the candidate at the time of

examination is relevant for the authorities to consider suitability for appointment.

8. However, ratio of ***Koushik Gayen*** (*supra*) does not come in aid of the respondents since the issue was low haemoglobin level in the blood of the petitioner therein which is not an issue in the present case as the petitioner herein in this writ petition was found to have been suffering from enlarged thyroid which cannot be improved within a short period of time by medication whereas haemoglobin level in the blood can be improved by appropriate diet and medication.
9. On medical examination, independent Medical Board of IPGMER-SSKM Hospital, Kolkata has found that petitioner is not suffering from enlarged thyroid and there is no reason to disbelieve the report dated 24th November, 2025 submitted by the Medical Board.
10. In view of aforesaid conspectus, concerned respondent authorities are directed to treat the petitioner as medically fit and consider appointment of the petitioner for the post of Constable (G.D.) in CAPFs if petitioner is found to be otherwise eligible.
11. With the aforesaid direction, writ petition stands disposed of.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)