

Form No. J(2)
b.r.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**Present:-
The Hon'ble Justice Aniruddha Roy**

WPA 11786 of 2025

Chinmoy Sarkar

-vs-

***Directorate General of CRPF
(Recruitment Branch) & Ors.***

For the petitioner : Mr. Soma Kar Ghosh
Mr. Arabinda Pathak
Ms. Suparna Paul
Ms. Shilpi Ghosh

For the Respondents : Mr. Ramchandra Agarwal
Ms. Sabnam Laskar

Heard On : 01.07.2025

Judgement on : 01.07.2025

Facts:

1. The petitioner was an aspirant for the post of **Constable (GD) in Central Armed Police Force (CAPF), SSF and Rifle men (GD) in Assam Rifles Examination** (for short, the said selection process).
2. After qualifying the preliminary stages, the petitioner has reached up to the medical examination test. The first medical report, **annexure p-4 at page-26** to the writ petition dated **October**

15, 2024 has disqualified the petitioner on the ground that the petitioner has been suffering from **Gynecomastia** and **Hemorrhoids**. Following the medical guidelines and the terms and condition of the selection process, the petitioner had undergone review before the Review Medical Board. The Review Medical Board report dated **October 21, 2024 at page-27** to the writ petition disqualified the petitioner on account of **bilateral Gynecomastia**. The report shows **Mammogram** was held.

Submissions:

3 Learned counsel for the petitioner, Ms. Soma Kar Ghosh refers to the relevant provisions from the medical guideline, **annexure p-7 at page-33** and placing reliance upon **Clause-11** thereunder at **page-34** to the writ petition submits that for **Gynecomastia** if the diameter is more than **4 cm** then only it was a disqualification criteria and the candidature shall be rejected. She further drew attention of this Clause and submits that during review medical examination an ultra sound examination is to be done to rule out whether it is due to **Fatty Tissue** or **Breast Tissue** and the candidature would be rejected if found to have Breast Tissue.

4. Referring to the medical review report, she submits that **Ultra Sound Examination** was not done but **Mammogram** was done and

the Review Medical Board came to a finding and rejected the candidature of the petitioner on the plea of **Bilateral Gynecomastia**. She further submits that the measurement of the nodules has not been indicated in the review medical report. Ms. Kar Ghosh, learned counsel then refers to the reports of the **AIIMS, Kalyani, annexure p-5 at page-28** onwards and submits that when the petitioner got him checked and examined on his own volition before the AIIMS, the said institute was of the view that the petitioner has not been suffering **Gynecomastia**. The AIIMS reports are also dated **November 23, 2024** and **November 29, 2024**.

5. In the light of the above, learned counsel for the petitioner submits that the relevant provisions of the Medical Guideline has not been followed by the Review Medical Board, since the ultra sound examination was not conducted and the measurement of the nodules was not spelt out with specific finding.

6. Hence, she prays for quashing of the said Review Medical Report and prays for another opportunity to the petitioner so that he can be examined once again by the Review Medical Board in accordance with the Medical Guidelines.

7. Mr. Ramchandra Agarwal, learned counsel appearing for the respondents submits that this is a grossly belated writ petition. The medical tests were held in **October 2024** as would be evident from

Pages-26 and 27 to the writ petition. The opinion of the AIIMS is also of **November 2024**. The final results of the relevant selection process was declared on **December 13, 2024**. The panel was prepared. Further publication has already been made inviting candidature for the next selection process for the **year 2025**. The vacancies which were there with regard to the selection process of **2024** in which the petitioner has participated, have already been carried forward and credited to the next selection process for the **year 2025**. Therefore, there is no scope for entertaining this belated writ petition questioning the said selection process of **2024**.

8. Mr. Agarwal prays for dismissal of this writ petition *in limine*.

Decision:

9. After considering the rival contentions of the parties and upon perusal of the materials on record, this Court is also of the view that once the selection process is over for the relevant year in **December 20, 2024**, there is no scope for entertaining this writ petition having been filed on **May 20, 2025**.

10. Inasmuch as, on perusal of the said two medical reports at **pages-26 and 27** to the writ petition, which are the experts opinion, this Court finds that the plea for rejection are same **Gynecomastia**. When both the plea for rejection is the same being the finding arrived at the two sets of medical experts at two

different medical examinations, it is presumed that the experts have arrived at their finding with their proper expertise. The Court is not a medical expert.

11. The law is well settled. Court cannot sit in appeal on a decision and opinion of experts neither the Court can substitute an expert's opinion. This Constitutional Court in exercise of its power under judicial review under Article 226 of the Constitution of India seldom interferes with an expert's opinion, unless an ex facie mala fide, arbitrariness or inconsistency is there on the face of the expert's opinion. This is not such a case.

12. In view of the foregoing reasons and discussions, this Court, is of the firm and considered view that this writ petition should not be entertained.

13. Accordingly, this writ petition, **WPA 11786 of 2025** stands **dismissed**, without any order as to costs.

14. However, dismissal of this writ petition shall not preclude the petitioner to participate in the subsequent selection process, if he is otherwise found to be eligible strictly in accordance with law. In the event, any medical tests/examination is held, the relevant medical board shall proceed upon proper physical examination of the petitioner and without being influenced by the said medical reports

at **pages-26 and 27** to the writ petition and strictly in accordance with the relevant medical guidelines governing selection process.

15. It is further made clear that the observations made by this Court in this order shall no way stand in the way, if the petitioner participates in the next selection process.

16. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)