

14.01.2025  
Court No.23  
DL/Item No.-2  
[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Appellate Side**

**WPA 21561 of 2023**

**Subhadip Das  
versus  
Union of India & Ors.**

Mr. Soumajit Majumder

....for the petitioner

Mr. Indrajit Dasgupta,  
Mr. Arijit Majumdar,

....for UOI

The challenge in this writ petition is the result of the Review Medical Examination of the petitioner in connection with examination for recruitment to the posts of Constable (General Duty) in Central Armed Police Forces (in short, "CAPFs"), Secretariat Security Force (in short, "SSF"), Riflemen (General Duty) in Assam Rifles (in short, "AR") and Sepoy in Narcotics Control Bureau (in short, "NCB") Examination, 2022.

On a perusal of the report of the RME, it appears that the petitioner was declared unfit by the DMR due to "low vision in right and left eye and Vitiligo in chest and over the back". At the RME, eye test was again conducted and opinion of the ophthalmologist was also obtained. After considering the same, the RME declared the petitioner unfit for "defective distant vision and P. versicolour". The petitioner says that after being

declared unfit, the petitioner got himself examined by the Medical Officer, Balurghat District Hospital, Dakshin Dinajpur (hereinafter referred to as, “District Hospital”) as also by one Dr. Ramkrishna Mandal, who attended the RME Board as eye specialist. The Medical Officer at Balurghat District Hospital, had found the petitioner’s eye sight to be 6/6 and as such there exists no defective distant vision as opined by the DME and the RME Board. Dr. Ramkrishna Mandal, who is respondent no.8 in the writ petition, has also found that the petitioner’s vision to be 6/6 at both eyes. The petitioner says that he could not have been rejected on grounds of rejection expressed by the DME and RME Board. The petitioner also alleged that the RME Board did not hold Review Medical Examination as per the Revised Uniform Guidelines for Recruitment Medical Examination (hereinafter referred to as, “Revised Guidelines”) for Recruitment in Combined Armed Police Forces, etc.

After hearing the parties and considering the materials on record, I find that the RME had to undertake tests and had obtained opinion from experts to judge the petitioner and finally declared him unfit. The result of RME Board as held by the Division Bench of Delhi High Court in a very recent judgment delivered in Staff Selection Commission & Ors. vs. Vineet Kumar, which is again based on two Division Benches of the

same High Court, the first of which was delivered in 2010 and the second one also in 2024. The grounds have been summarized in paragraph 13 of Vineet Kumar (supra) for approval on the grounds of interference to RME opined by the other Division Bench in 2024. Although, the petitioner says that the RME Board has not conducted as per the Revised Guidelines but from the allegations made in the writ petition, I do not find any subsistence in such allegation. I also do not find any flaw in the RME as the same was conducted with due and proper care. None of the grounds as enumerated in Vineet Kumar (supra) is available in the instant case for interference with the result of the RME.

The interference to RME has always been in a limited scope and with caution that there is no absolute bar to judicial interference to the report of the RME in an appropriate case. Even the Hon'ble Supreme Court in its order dated 19<sup>th</sup> July, 2019 in WP (Civil) No.444 of 2019 [Dharmvir Singh vs. The State of Uttar Pradesh & Anr.], on finding an appropriate case had interfered with the result of the RME Board. However, in the instant case, I do not find any reason to interfere with the result of the RME Board.

The selection process is for the year 2022, the results whereof had been declared on 20<sup>th</sup> August, 2023 with the publication of the selection list by the Staff Selection Commission (in short, "SSC") and displayed in

its website. The Review Medical Examination was conducted on 20<sup>th</sup> July, 2023. The writ petition has been filed on 1<sup>st</sup> September, 2023 for which the selection list has been published. Even if the actual appointment to the selected candidates whose names are recommended by SSC, by giving appointment may not have been given by 1<sup>st</sup> September, 2023, as contended by the petitioner yet with the publication of the selection list, the number of unfilled vacancies declared for the 2022 examination stood ascertained. The unfilled vacancies of 2022 examination have been carried forward in the subsequent examination. The notification whereof may have been published after 1<sup>st</sup> September, 2023 in absence of any interim order. The clock cannot be reverted back; the selection process of the next year's examination had taken place. As a consequence, whereof it has to be presumed that the selection process has come to an end and as such even on that ground, the petitioner's grievances, if any cannot be also entertained.

The writ petition accordingly fails and the same is dismissed.

**(Arindam Mukherjee, J.)**