

30.01.2025
Court No.23
ML/Item No.-48
[Milan, A.R. (Ct.)]

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 26564 of 2024

Sukanta Ghanta
versus
Union of India & Ors.

Mr. Aswini Kumar Bera,
Mr. A. B.
.....for the petitioner

Mr. Ram Kumar Agarwal,
Mr. Ashique Mondal,
Mr. Tapan Bhanja
.....for UOI

Affidavit of service filed in Court today is taken on record.

The petitioner participated in the selection process for recruitment to the post 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, 2024.

The petitioner was successful up to the Detailed Medical Examination (in short, “DME”) wherein the petitioner was declared unfit due to “carrying angle more than 20 degree in both the upper limbs”. The petitioner’s Icterus was also doubtful and required for

evaluation. The DME was conducted on 7th October, 2024. The petitioner applied for Review Medical Examination (in short, “RME”). In the RME, the petitioner was found unfit due to “carrying angle above 22 degree in both the upper limbs with Hyper-extended elbow joints”. The petitioner was also detected of “Icterus with higher bilirubin level” after holding due test for the same. The RME was conducted on 16th October, 2024. The petitioner says that subsequent to being declared unfit at the DME and RME, the petitioner has got himself examined at the IPGMER & SSKM Hospital, Kolkata. The report of IPGMER & SSKM is annexed at page 17, which says that “no obvious abnormality seen upper limb alignment” and the “patient can do all day to day activities”. The petitioner being able to do the normal day to day activities, do not mean that the petitioner can perform the duties of a Constable (General Duty) in any of CAPFs or other agencies for which the examination was held. The requirement for being fit to qualify in such examination is only when he can perform the duties of Constable (GD) and not the normal day to day activities. The rejection and minor acceptable defects at the RME are clearly specified in the Revised Uniform Guidelines for Recruitment Medical Examination (hereinafter referred to as, “the Revised Guidelines”) for Recruitment in Combined Armed Police Forces, etc. for RME in CAPFs

and Assam Rifles for GOs & NGOs referred to as the Revised Guidelines.

After hearing the parties and considering the materials on record, I do not find any reasonable interference with the result of the RME after due examination by the RME Board. The grounds of judicial interference in case of RME results 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 previous Division Bench Judgments of the same High Court, the first of which was delivered in 2010 and the second one also in 2024 are also not attracted in the instant case. The grounds have been summarized in paragraph 13 of Vineet Kumar (supra) wherein has approved the grounds of interference to RME opined by the other Division Bench judgment of 2024.

This Court is, therefor, not inclined to interfere with the result of DME and RME as the grounds raised by the petitioner does not come within the grounds specified in Vineet Kumar (supra) which has in details discussed the scope of judicial interference in case of DME and RME. The writ petition, therefor, fails and the same is accordingly dismissed.

(Arindam Mukherjee, J.)