

06.05.2025  
Sl. No. 03  
g.b.  
Court No.02

W.P.A. 27460 of 2024

*Monoranjana Sikdar*  
-Vs-  
*Union of India & Ors.*

*Mr. Debasish Kundu*  
.....*For the Petitioner*  
*Ms. Rashmi Bothra*  
*Mr. Iswar Chandra Maiti*  
.....*For the Union of India*

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

Mr. Debasish Kundu, learned advocate appears for the petitioner.

Ms. Rashmi Bothra, learned advocate appears for the respondents Union of India.

The petitioner was an aspirant for the recruitment of **CAPFs** for the year **2024**. He reached upto the **Physical Standard Test (PST)** stage. **Annexure 'P-5'** at page 23 to the writ **petition** shows that his candidature was rejected, as he did not qualify the permissible **Carrying Angle** limit in terms of the employment notification. **Sub-clause (m) to Clause 7** read with **Sub-clause 2 to Clause VII** of the medical

guidelines for conducting the relevant selection process provides the permissible stipulation for **Carrying Angle** of a male candidate. The reason for rejection at the medical test **at page 23** shows **B/L Carrying Angle is greater than 20 degree**. This report was dated **October 19, 2024**.

In view of the provisions laid down for review under the selection conditions, the petitioner preferred review before the Review Examination Medical Board. The review medical report, **Annexure 'P-6' at page 24 to the writ petition** shows that the **Carrying Angle** is **greater than 20 degree**. The said review medical report is dated **October 28, 2024**. **At page 25 to the writ petition**, is a hospital report showing **Carrying Angle** for left arm is 14 degree and that of right arm is 16 degree.

Learned advocate for the petitioner submits that this report **at page 25 to the writ petition** was prepared at the instance of the respondents, after medical examination of the petitioner at the relevant hospital.

Learned advocate then referring to the first medical report **at page 23** and the review medical report **at page 24 to the writ petition** submits that the findings are totally different and are not corroborating with each other. He then refers to **at page 26 to the writ petition** which is a patient slip, which shows a medical examination report issued by Gouri Devi Institute of Medical Science and Hospital showing **Carrying Angle** of the right arm is 16 degree and that of left arm is 14 degree. The learned advocate appearing for the petitioner then refers to the document **at page 27 to the writ petition** and submits that he had also participated in the previous selection process of **2018**, where he was declared to be fit in the review medical test and his **Carrying Angle** was found to be within the permissible limit.

In the light of the above submissions the petitioner submits that the case of the petitioner should be sent to a third independent medical expert for proper examination and measurement of the **Carrying Angle** of the petitioner. In the

meantime he prays for an interim order that one place should be kept vacant.

Ms. Rashmi Bothra, learned advocate appearing for the respondents/Union of India submits that, the report **at page 25 to the writ petition** issued by Gouri Devi Institute of Medical Science and Hospital is dated **October 22, 2024** which is prior to the review medical report. The review medical report has attained its finality. The provisions for the review was availed of by the petitioner himself. Therefore, the petitioner at this stage cannot challenge the said medical experts' report when findings in both the reports **at pages 23 and 24 to the writ petition** are corroborating with each other. In respect of the medical report for the previous selection process for the year **2018** and the report under challenge in this writ petition for the selection process, **2024**, it is submitted that six years have in between, passed and significant changes could have occurred in the physiology of a human being during these six years period. She submits that once the medical reports have confirmed the disqualifying condition

and the medical tests were done following the relevant medical guideline, the same should not be interfered with by this Court. She submits that this writ petition is devoid of any merit and should be dismissed.

After considering the rival contentions of the parties and upon perusal of the materials on record, on a plain reading and not being an expert on the subject, it appears to this court that the solitary finding in the two medical reports **at page 23** and the review medical report **at page 24** are identical that the **Carrying Angle** of the petitioner is greater than 20 degree. The first medical examination report at page 23 to the writ petition was held in accordance with the Medical Guidelines and the Rules framed for the selection process. The petitioner being aggrieved with the said report has preferred review in accordance with the provisions laid down under the Medical Guidelines and the Rules framed for the selection process.

The different set of medical experts, on review also came to the identical finding with that of medical report **at page 23 to the writ petition.**

There is no infirmity in the procedure and the first medical test and the review medical test have happened in compliance with the Rules of the selection process.

The law is well-settled that in such a situation unless a strong and unimpeachable prima facie case is made out for interference, this court not being a medical expert shall seldom interfere with the finding of the medical experts, as in the instant case. This Constitutional Court in exercise of power under judicial review cannot and should sit on appeal over an expert's report.

In view of the foregoing reasons and discussions, this court is of the firm and considered opinion that it should not interfere with the medical reports at pages 23 and 24 to the writ petition. The reports stand without any interference.

Accordingly, nothing survives in this writ petition.

Hence, this writ petition **WPA 27460 of 2024** stands **dismissed**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

***(Aniruddha Roy, J.)***