

21.05.2025

Item No.15

Crt.02

b.r.

WPA 28570 of 2024

Susam Suthar

-vs-

The Union of India & Ors.

Mr. Debasish Kundu

.... For the petitioner.

Mr. Pramit Kumar Ray, Sr. Adv.

Ms. Atmaja Bandyopadhyay

Mr. Ram Chandra Agarwal

Mr. Tapan Bhanja

.... For the Union of India.

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

Mr. Pramit Kumar Ray, learned Senior advocate with Mr. Ram Chandra Agarwal, learned advocate appears for the Union of India.

The petitioner was an aspirant for the recruitment of **CAPFs for the year 2024**. He reached up to the stage of Physical Efficiency Test and there he has been stuck. The medical report **annexure p-4 at page-23** to the writ petition dated **November 5, 2024** shows that the candidature of the petitioner was rejected for the reason, *inter alia*, **Bradycardia**. The petitioner applied for Review Medical Test according to the terms and conditions of the selection process. The

review was held on **November 12, 2024**, **annexure p-5 at page-24** to the writ petition when the petitioner was found to be medically unfit, *inter alia*, on the same ground of **Bradycardia**.

Learned counsel appearing for the petitioner referring to the Medical Guidelines to **Sub-Clause-(e) to Clause 7** for the Review Medical Guidelines submits that when **Bradycardia** was found the candidate was to be hospitalized and then again examined but in the instant case, the hospitalization was not done. Hence, the rejection is bad.

He further referring to another ground of rejection submits that pulse rate within the permissible limit. Therefore, there should not be any rejection of the candidature of the petitioner.

Mr. Pramit Kumar Ray, learned Senior Counsel submits that both the medical reports were prepared after physical examination of the petitioner and the medical experts found him to be disqualified. Hence, the candidature of the petitioner was rightly disqualified.

After considering the rival contentions of the parties and upon perusal of the materials on record, the admitted position is that the common

ground for rejection by both the medical boards appearing from their respective reports at **pages 23 and 24** to the writ petition is **Bradycardia**. **Sub-Clause (e) to Clause-7** of the review medical guidelines is not related by **Bradycardia** but the same relates to **Hypertension/Tachycardia**.

On a plain reading of the said provisions under **Sub-Clause (e) to Clause 7** to the Review Medical Guidelines relied upon on behalf of the petitioner, it appears to this Court that the same does not relate to **Bradycardia**. The reason for rejection being **Bradycardia** is the common reason and common finding arrived at by both the medical boards.

The law is well settled that Court cannot sit on appeal over an expert's opinion neither the Court can substitute an expert's opinion. The Court seldom interfere with an expert's opinion unless an *ex facie mala fide*, arbitrariness and/or inconsistency is there on the face of the expert's opinion. The two medical reports referred to above show there is no inconsistency. The provisions referred on behalf of the petitioner from the **Review Medical Guidelines**, as discussed above, does not apply for **Bradycardia**.

In view of the foregoing reasons and discussions, this Court finds no reason to interfere with the existing medical reports at **pages 23 and 24** to the writ petition. The decision for rejection is not interfered with.

Accordingly, this writ petition, **WPA 28570 of 2024** stands **dismissed**, without any as to costs.

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

(Aniruddha Roy, J.)