

19.05.2025

Ct. no.2

Sl. 38

b.r.

WPA 29841 of 2024

Sri Subhankar Ghosh

Vs.

Union of India & Ors.

Ms. Ananya Neogi

Mr. Sayan Mukherjee

.... For the petitioner.

Mr. Ram Chandra Agarwal

Mr. Tapan Bhanja

.... For the Union of India.

Petitioner is an aspirant in the recruitment process for **Constable (GD) in Central Armed Police Forces, SSF and Rifleman (GD) in Assam Rifles Examination for the year 2024.**

After being qualified at the initial stage, the petitioner had travelled up to the stage of Medical Examination. **Annexure p-4 at page-28** to the writ petition shows that upon examination, the Medical experts rejected the candidature of the petitioner with the reason **“Knock Knees”**. The rejection was held on **October 10, 2024**. Immediately, the petitioner on the same day applied for review medical examination according to the terms and conditions of the selection process. The review medical examination was held on **October 19, 2024, annexure p-6 at page-30** to the

writ petition. The report shows the ground for rejection was that **Internal Malleoli** has been found to be more than **5 CM**.

Referring to **annexure p-5 at page-29** to the writ petition, learned advocate, Mr. Sayan Mukherjee, appearing for the petitioner submits that the petitioner of his own volition independently got himself examined in a Government medical centre on **October 15, 2024** which is prior to the medical examinations were held in connection with the selection process where it was opined that petitioner has no Knock Knees and the Internal Malleoli distance was found to be **one centimeter**.

Relying upon the said medical certificate at **page-29** to the writ petition, the petitioner has challenged the finding of the Medical Board of the Recruitment Authority.

Referring to the relevant medical guideline applicable for the concerned selection process, Mr. Ram Chandra Agarwal, learned advocate appearing for the respondents submits that for **Knock Knee**, separation of **Internal Malleoli** of **over 5 centimeter** will be a disqualification.

Accordingly, he submits the petitioner was clearly found to be disqualified and his candidature was rejected.

After hearing the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that the first medical report at **page-28** to the writ petitioner when petitioner was examined before the relevant Medical Board constituted by the medical experts of the Selection Authority found the petitioner to be disqualified on the ground of **Knock Knees**. The disqualification on the ground of **Knock Knees** has specifically being defined under **Clause-2 of the 2015 Guidelines**, which clearly shows that if the **Internal Malleoli of over five centimeter is found**, the same should be considered as **disqualification** for a candidate. The same view was taken by the review medical Board at **page-30** to the writ petition upon examining the petitioner physically before the Review Medical Board.

The Medical Board at the first instance and at the stage of review are constituted by the medical experts for conducting the selection process. A comprehensive medical guideline has also been framed defining the disqualifications. There is no reasons to disbelieve the report of such medical experts of the selection body by giving preference to the medical report allegedly obtained by the petitioner at **page-29** to the writ petition.

It is also surprising to note that the alleged medical certificate allegedly obtained by the petitioner from the hospital at **Page-29** to the writ petition was prior in point of time when the medical examinations were held before the selection committee but the report was only obtained on **Knock Knees**.

The law is well settled that the Court not being an expert should seldom interfere with the reports of experts unless an ex facie, mala fide, arbitrariness or inconsistency is apparent on the face of it. This is not such a case. Court cannot also substitute the view of the expert.

In view of the foregoing reasons and discussions, this Court finds no reason to interfere with the medical opinion formed by the Medical Boards of the selection process.

Accordingly, this writ petition is devoid of any merit.

This writ petition, **WPA 29841 of 2024** stands **dismissed** without any order as to costs.

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

(Aniruddha Roy, J.)