

13.01.2025

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 30128 of 2024

Tapas Kaiborta

-Vs-

The Union of India & Ors.

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sayan Mukherjee

... for the petitioner

Mr. Ram Chandra Agarwal,
Mr. Tapan Bhanja

... for the Union of India

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

The petitioner was declared unfit on cubitus varus on left upper limb in the Detailed Medical Examination (DME). The petitioner applied for Review Medical Examination (RME). The RME also confirmed the petitioner's unfitness. The petitioner says that without any proper medical examination, only on clinical examination, the petitioner has been declared unfit. The medical examination for the particular selection process, i.e. in the Central Armed Police Forces (CAPFs) is conducted in terms of the Revised Uniform Guidelines for Review Medical Examination in Central Armed Police Forces and Assam Rifles for GOs

& NGOs (hereinafter referred to as the 'said Guidelines'). The Clause 8 of the said Guidelines has set down as to how a candidate has to be examined in case of cubitus varus.

On a perusal of the reports of DME and RME, I do not find any violation of procedure laid down under the said Guidelines. Although the petitioner says that subsequent to RME, the petitioner has got himself examined by a Government Hospital as also by a private doctor wherein the petitioner has been found to be fit. The petitioner, therefore, says that he should be further examined to find out whether the petitioner is actually unfit or not. The interference in case of the result of RME by Court is on a very limited scope. The ground on which interference is permissible has been laid down in a recent judgment of the Division Bench of the Delhi High Court in ***Staff Selection Commission & Ors. Versus Vineet Kumar (W.P.(C) 14731/2024***). The said judgment is based on two previous judgments of the Division Bench of the Delhi High Court, one of which was delivered in 2010 followed by the subsequent judgment on 2024 which has been approved in *Vineet Kumar (supra)*.

Considering the case of the petitioner in the light of the abovementioned judgments, I do not find any ground for interference with the report of RME. That apart, in any event the selection process is over as the

Staff Selection Commission (SSC) on 13th December, 2024 has published the selection list, which has been already uploaded in the official website of SSC. The process of giving appointment as per recommendation of SSC is in progress. This writ petition has been filed on 17th December, 2024 after publication of the selection list.

In the aforesaid facts and circumstances, I find no merit in the writ petition. The writ petition is accordingly dismissed.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)