



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.304 OF 2025

Petitioner : Dnyaneshwar Sheshrao Dhangar,
Aged about 26 Years, Occupation : Unemployed,
Address : At Sukali Post Ukali Pen,
Tah. & District Washim, Maharashtra : 444505
Contact : 9370436925
Email : dnyaneshwardhangar24@gmail.com
– Versus –

Respondents : 1. Union of India, Through its Secretary,
Ministry of Home Affairs (Police Division-II),
Government of India, North Block, Central Secretariat,
New Delhi – 110001.
2. The Directorate General,
Central Reserve Police Force,
Block No.01, CGO Complex, Lodhi Road,
New Delhi 110 003.
3. The Staff Selection Commission,
Through its Regional Director (Northern Region),
Block No.12, CGO Complex,
Lodhi Road, New Delhi.
4. Presiding Officer (Second in Command),
STC BSF Chakur, Dist. Latur,
Maharashtra – 413513.
5. Review Medical Examination Board,
C.M.O. (SG), 100 BNPO, RME, Recruitment Board,
CT/GD-2022, Group Center, CRPF, Nagpur.

Mr. G.K. Bhusari, Advocate for the Petitioner.
Mr. Pankaj V. Navlani, Advocate for the Respondents.

CORAM : **NITIN W. SAMBRE & M.M. NERLIKAR, JJ.**
DATE : **10th JULY, 2025.**

ORAL JUDGMENT : (Per M.M. NERLIKAR, J.)

01. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

02. By the present petition, the petitioner is praying for quashing and setting aside the Memorandum dated 07/10/2024 issued by respondent No.4 and Report of Review Medical Examination dated 10/10/2024 issued by respondent No.5, wherein the petitioner was declared medically unfit for the post of Constable (General Duty). The petitioner also prayed to direct the respondents to consider the candidature of the petitioner for appointment to the post of Constable (General Duty) in his category according to merit list with a further direction to issue him appointment order.

03. **Brief facts :**

- i. The Staff Selection Commission i.e. respondent No.3 issued an advertisement dated 24/11/2023 calling applications from the eligible candidates for recruitment to the post of Constable (GD) in Central Arm Police Force (CAPFs), SSF and Rifleman (GD) in Assam Rifle Examination-2024. Pursuant to the said advertisement, the petitioner applied for the post of Constable (GD) and submitted his Online application on 03/12/2023. The

petitioner cleared computer based examination and secured 134.105 marks, whereas the cut-off mark was 104.017. The Physical Efficiency Test (PET) so also the Physical Standard Test (PST) was conducted on 05/10/2024. The petitioner cleared both the tests.

ii. Thereafter, the petitioner was called for medical examination on 07/10/2024 at STC, BSF Chakur. However, during medical examination, a scar mark on right forearm was found and accordingly, the petitioner was declared unfit. The petitioner prayed for Review Medical Examination on 07/10/2024. The Review Medical Examination of the petitioner was conducted on 10/10/2024 and he was declared as unfit due to hypertrophic scar as per RECTT Guidelines-2015. Therefore, being aggrieved by both these reports of medical examination, the petitioner approaches this Hon'ble Court by filing the present petition under Article 226 of the Constitution of India.

04. We have heard Mr. G.K. Bhusari, learned Counsel for the petitioner and Mr. P.V. Navlani, learned Counsel for the respondents. The petitioner submits that if the tattoo mark has already been removed leaving behind a scar, then it will not be within the teeth of disqualification clause. He submits that there is no prohibition in having a tattoo mark, as the

provision carves out exception that a candidate despite having tattoo mark, would not be held to be medically unfit.

05. The petitioner, accordingly, has relied on the ratio laid down by the Single Bench of Hon'ble Rajasthan High Court at Jodhpur in the matter of S.B. Civil Writ Petition No.11906/2023 (*Sanyogita Sushilkumar vs. Union of India*), which has been confirmed by the Division Bench of Hon'ble Rajasthan High Court at Jodhpur in D.B.Spel.Appl.Wri.No.414/2024.

06. On the other hand, learned Counsel Mr. P.V. Navlani, who appears for respondent No.2 by filing an affidavit-in-reply, vehemently opposed the petition and submitted that the petitioner has been declared medically unfit in accordance with the terms of Uniform Guidelines for Recruitment Medical Examination for GOs and NGOs in CAPFs and AR. He further submitted that in the light of above guidelines, it was opined that hypertrophic scar may hamper wearing of combat gear and rigorous training on ground including various exercises. The petitioner was found unfit by competent RME Board. He further submitted that the petitioner was referred to AIIMS, Nagpur for opinion of the Dermatologist. The AIIMS at Nagpur diagnosed as hypertrophic scar.

07. The issue as regards the tattoo scar is no more *res-integra* and the said view is consistently followed by this Court in the following judgments:

- (1) *Shubham Sharma Vs. Union of India and Ors.*
[Writ Petition (C)15302/2022 & CM APPL.4748/2022(stay)]
- (2) *Vineet Kumar Meena Vs. Union of India and Ors.*
[Writ Petition (C)16030/2022 & CM APPL.50007/2022 (for stay)]
- (3) *Akshay Choudhary Vs. Union of India and Ors.*
[Writ Petition (C)5602/2024.]
- (4) *Bhimrao Shamraoji Surve Vs. Union of India and Ors.*
[Writ Petition 5551/2017].
- (5) *Sangharsh Tukaram Lonekar Vs. Union of India and Anr.*
[Writ Petition No.9061/2017]
- (6) *Shubham Sharma Vs. Union of India and Ors.*
[Writ Petition (C)15302/2022 & CM APPL.4748/2022(stay)]
- (7) *Union of India and Ors. Vs. Sanyogita*
[D.B. Spl.Writ No.414/2024]
- (8) *Shridhar Mahadeo Pakhare Vs. Union of India and Ors.*
[Writ Petition No.10026/2017]
- (9) *Hardik Rameshkumar Vaghela Vs. Union of India and Ors. *
[Writ Petition No.1991/2019]
- (10) *Saurabh S/o. Suresh Junghare Vs. The Union of India and Ors.*
[Writ Petition No.1637/2024]
- (11) *Santosh Sheshrao Jadhav vs. Staff Selection Commission and Ors.*
[Writ Petition No.421/2025]

08] For the same reasons recorded in the above cases, we are inclined to allow the present petition. Hence, the following order:

ORDER

- i. The petition is allowed.

- ii. It is hereby declared that the petitioner be not disqualified on the count of having a tattoo scar on his right forearm.
- iii. We further make it clear that the claim of the petitioner may be considered by the respondents herein for selection in the recruitment only, if he is otherwise qualified on merit.
- iv. Rule is made absolute in the aforesaid terms with no order as to costs.

(M.M. Nerlikar, J.)

(Nitin W. Sambre, J.)

**sandesh*