



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

WRIT PETITION NO.7102 OF 2024

[Shreya d/o Yogesh Bisen .vs. Union of India and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.P. Gujar, Advocate for Petitioner.
Shri C.J. Dhumne, Advocate for Respondents.
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CORAM : SMT. M.S. JAWALKAR AND
PRAVIN S. PATIL, JJ.

DATED : AUGUST 25, 2025.

1. Heard the learned counsel for the parties.
2. By this petition, the petitioner is challenging the review medical examination report dated 08.11.2024, on the ground that the review authority failed to consider the candidature of the petitioner in the light of revised guidelines for recruitment medical examination in Central Armed Police Forces and Assam Rifles, 2015.
3. It is admitted fact in the present petition that the petitioner appeared in 'Recruitment of Constable (GD) Examination-2024 in CAPFs, SSF, Rifleman (GD) in AR and Sepoy in NCB'. The petitioner, who found to be eligible for the post after qualifying the Computer Based Test, the petitioner was referred for medical examination. The detailed medical examination of the petitioner was conducted on 06.11.2024 by the Competent Authority.

After his detailed examination, he found to be unfit for the post for the reason of Fissure in Ano. However, petitioner was sent before the Review Medical Board consisting of three Medical Officers but he found unfit due to Fissure in Ano. Thereafter, the petitioner was referred to All India Institute of Medical Sciences, Nagpur (AIIMS) for third opinion. Accordingly, petitioner visited the said place on 07.11.2024. On examination by the Competent Authority, it was found that the petitioner is having a Fissure in Ano. On the basis of these reports, relying on the Office Memorandum dated 20th May, 2015 issued by Government of India, Ministry of Home Affairs wherein disqualification is prescribed to candidate suffering from Fissure in Ano, petitioner was held to be disqualified for the post.

4. The petitioner, against this order, approached before this Court stating that there was no proper assessment of his medical eligibility and he has relied upon Clause (7) Note (b) of the Uniform Guidelines For Medical Examination Test (MET) For Recruitment in CAPFs, NSG & AR. According to him, petitioner is suffering from trifle defect, therefore, the recruiting Medical Officer should have accept the candidature of petitioner as the disease is curable in a few days with outdoor treatment. According to him, as per the report of AIIMS, Nagpur, the medical problem which he is having is curable and this aspect is not considered by the authority in the matter.

5. Learned counsel for the respondents has specifically pointed out that before the recruitment exercised was undertaken, the Office Memorandum dated 20th May, 2015 was in existence and according to Clause (iii) therein the candidate who is having Ano-rectal is not qualified for the post. So also, respondents pointed under Chapter-XIII–Examination of Inguinal Region and Genitals, Clause 3 (iii) from the Uniform Guidelines For Medical Examination Test (MET) For Recruitment in CAPFs, NSG & AR, which is relied upon by the petitioner, reads as under :

(iii) Ano-rectal

- 1. Evidence of anal fistula is disqualifying.*
- 2. Evidence of anal or rectal polyp, prolapse, stricture, or fecal incontinence is disqualifying.*
- 3. Hemorrhoid (internal or external), with evidence of bleeding, is disqualifying.*

Examination of ano-rectal region -

- (i) The candidate should be instructed to turn his back, stoop down and separate the buttocks with his hands. The candidate should be asked to strain, as to defecate, so that Fissure-in-ano, internal and External piles or prolapsed of rectum become more evident. The cases of anal warts (Condylomata), Fistula in ano, prolapse Rectum and hemorrhoids should be rejected.*
- (ii) If candidate gives a history of sexually transmitted infection (STIs) or shows clinical signs of old healed STIs lesions, he should be rejected.*

(iii) Mere presence of anal tag and sentinel pile is not a criterion for rejection.

6. There is a force in the submission of Respondents that Revised Uniform guidelines are framed with the purpose of maintaining medical standards amongst the new recruited personal so as to ensure that medically fit personnel could satisfactorily complete required training and he should be adaptable to the combatised environment, and capable of performing duties without aggravation of existing physical defects or medical conditions. As such expert body of persons, considering all pros and cons of the matter prepared revised guidelines in the matter.

From the above said Rules and the Office Memorandum which is relied by the petitioner, we prima facie of the opinion that the candidate, who is having an anal fistula is not medically fit for the post.

7. The submission of the petitioner that the same should be considered leniently in the matter is not appealable to us because the recruitment which petitioner faced was of Armed Forces and, therefore, the guidelines framed by expert committee has to be applied strictly at the time of recruitment.

8. Hence, once the Appointing Authority held that the candidate is not eligible on the count of medical disability, it will not be proper to substitute the decision

taken by expert persons. We are of the opinion that decision taken by respondents on the basis of Expert Report need no interference at our instance in the matter.

9. Hence, for the reasons stated above, we find no merit in the matter. Accordingly, the petition is **dismissed**.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)