



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

WRIT PETITION NO. 421 OF 2025

Santosh Sheshrao Jadhav

Vs.

Staff Selection Commission, thr. its Chairman, New Delhi & Ors.

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

Court's or Judge's orders.

Ms. Ashwini Uikey, Advocate h/f. Mr. N.B. Rathod, Advocate for the
Petitioner.

Ms. Ashwini Athalye, Advocate for Respondent Nos.2 & 3.

CORAM : **NITIN W. SAMBRE**
AND SACHIN SHIVAJIRAO DESHMUKH, JJ.

DATE : **20th JUNE, 2025.**

P.C.

Heard finally by the consent of the learned counsels
appearing for the parties.

2. Impugned in the present petition is the certificate dated 16th October, 2024, issued by the respondent No.3 - Review Medical Examination Board constituted for reviewing the earlier medical examination report. The petition is for declaration that the petitioner, even if he has a tattoo scar on his right forearm, cannot be considered disqualified from holding employment with the Central Reserve Police Force (CRPF) or Paramilitary Forces pursuant to the advertisement dated 24th November, 2023. Further prayer is that the respondent No.1 – Staff Selection Commission and the respondent No.2 - Authority be directed to discard the impugned certificate issued by the respondent No.3-Medical Board.

3. The facts necessary for deciding the petition are as under:

(i) The respondent No.1 issued an advertisement, pursuant to which, the petitioner applied for the post of Constable/Sepoy on the establishment of the respondent No.2. Accordingly, the desirous candidates were called to participate in the recruitment. The petitioner accordingly submitted his application form with seven preferences to be chosen from the available option of Forces. The petitioner sought recruitment on the post of Constable through the respondent No.1 and wanted to join the Paramilitary Forces.

(ii) It appears that the petitioner successfully qualified the initial stages of the selection process so also the document verification.

(iii) The physical standard test (PST) and the physical efficiency test (PET) were also informed to have been qualified by the petitioner.

(iv) During medical examination on 10th October, 2024, a tattoo scar was found on the right forearm of the petitioner, for which he was disqualified. The petitioner appeared before the respondent No.3 – Review Medical Examination Board and the Board held him unfit having regard to a tattoo scar on his right forearm i.e. the saluting arm.

4. The learned counsel for the petitioner would urge that the issue is no more *res integra* as in similar cases like Writ Petition No.6666/2024 with Writ Petition No.6804/2024, this Court had an occasion to consider the identical issue based on the other judgments reflected in paragraph 5 of the said judgment and this Court directed the petitioners' candidature not to be rejected on the ground mentioned in the impugned communication.

5. As against above, the learned counsel appearing for the respondents would urge that since the saluting arm had a tattoo scar, rightly so, the petitioner was disqualified or held ineligible.

6. We have appreciated the submissions.

7. The fact remains that in identical situation, this Court considered the claim of similarly placed candidates like the petitioner and has noted that the tattoo policy for candidates appearing for SSB interview with permanent body tattoo(s) permits the candidates to participate in the selection process with certain qualifications.

8. Perusal of the said Scheme or otherwise from the impugned communication, it cannot be said that the petitioner can be said to be not qualified for participating in the selection process and can be held to be disqualified merely on the ground of having a tattoo scar on his right forearm.

9. The petitioner in the petition has stated that the petitioner's name was tattooed on his right forearm by his father during his childhood. According to him, he made every effort to remove the tattoo by adopting all possible methods that were within his financial capacity. According to him, the tattoo was, in fact, removed eight years back, and at present there is a scar.

10. On his visit to the All India Institute of Medical Sciences, Nagpur (AIIMS), it has been certified that the said scar is non-transmissible and there is an irregular skin coloured to hyperpigmented scar of 4 cm x 3 cm. As such, the doctors from the AIIMS have certified that what remains is only a scar and not the entire tattoo.

11. In that view of the matter, we deem it appropriate to allow the present writ petition thereby declaring that the petitioner be not disqualified on the count of having a tattoo scar on his right forearm.

12. However, we make it clear that all reasonable steps be taken by the petitioner to remove the tattoo scar, if possible and medically advisable, within a reasonable period.

13. We further make it clear that the petitioner's claim be considered for selection in the recruitment only if he is otherwise qualified on merit.

14. The petition accordingly stands allowed and disposed of. No order as to costs.

(SACHIN SHIVAJIRAO DESHMUKH, J.)

(NITIN W. SAMBRE, J.)

Vijaykumar