

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

WRIT PETITION NO. 7427 OF 2024

Hitesh S/o Sunil Dhote,
Aged about 27 years, Occ : nil,
R/o Wandali Wagh, Post Katol,
District Nagpur

....PETITIONER

....VERSUS....

1. Union of India, through its
Secretary, Ministry of Home
Affairs New Delhi
2. Director General of Central
Reserve Police Force(CRPF)
(Recruitment branch), East
Block-07, Level-04, Sector-01,
R.K. Puram, New Delhi-66)
3. Staff Selection Commission,
Through its Chairman,
Northern Region Block No. 12,
CGO Complex, Lodhi Road, New
Delhi - 110003
4. Review Medical Board, CH
Nagpur, (Recruitment) CT/GD
Group Centre, Central Reserve
Police Force, Nagpur

....RESPONDENTS

Shri K.N. Jain, Advocate for petitioner
Shri C.J. Dhumne, Advocate for respondent No.1, 2 & 4

CORAM : SMT. M.S. JAWALKAR AND
SHRI. PRAVIN S. PATIL, JJ..
DATED : 31/07/2025

ORAL JUDGMENT(PER SMT. M.S. JAWALKAR, J.)

- (1) Rule. Rule made returnable forthwith.
- (2) Heard learned Counsel for the petitioner and learned Counsel for the respondent Nos. 1, 2 and 4.
- (3) In the present petition, the petitioner is seeking direction against the respondents/ Authorities to consider his candidature to the post of Constable (GD) in Central Armed Police Forces (CAPFs), as the petitioner has been arbitrarily and illegally declared unfit by Review Medical Examination Board at Central Reserve Police Force, Centre Nagpur on 16/10/2024, for having Congenital Melanocytic Nevus (CMN) (Birth marks) and scars of tattoo removal on right forearm, by its report dated 16/10/2024.
- (4) In pursuance of the advertisement dated 24/11/2023, for the post of Constable, he applied for the Constable post in the OBC category as he has satisfied the conditions, his form was accepted. He had cleared the written test and appeared for the Physical Standard Test (PST). The petitioner was declared unfit by the Medical Officer, Medical Examination Board, for having a tattoo

scar on the right forearm and hyper pigmented patch over the left forearm. It is his contention that the Congenital Melanolytic Nevus is nothing but a birthmark. He filed his representation on 26/10/2024 with the respondent No.2, along with judgments of this Court. Petitioner submitted that he is otherwise absolutely fit, and the said tattoo or patch does not affect his efficiency in performing the duties.

(5) Learned Counsel for the respondent submitted their reply and supported the order.

(6) In Writ Petition 7027/2024, relied on by the petitioner, there is reference to the petitions, wherein, such an issue is dealt with and it is held that though policy permits disqualification on this ground speaks that anomaly, should be of such a nature which would interfere with the functioning. Those are reproduced below :

Sr. No.	Case No.	Name of Parties	Decided on
1.	WP No. 5273 of 2024	Nikhil Ishwar Karde vs. Union of India	11.12.2024
2.	WP No.10026 of 2017	Shridhar M. Pakhare vs. Union of India.	30.01.2018
3.	WP No.1991 of 2019	Hardik Rameshkumar Waghela Vs. Union of India	21.02.2019
4.	WP. No. 1637 of 2024	Saurabh S. Junghare Vs. Union of India	16.07.2024
5.	WP. (MD) No. 16282 of 2020	K.M. Manojkumar Vs. The Secretary, S.S.C. & others	01.04.2021
6.	C.W.P. No. 361 of 2021	Ramesh Kumar Vs. Union of India	24.11.2023

(7) On perusal of the guideline in paragraph No. 11 under the caption Miscellaneous Conditions, Guideline No. 3, speaks about the tattoo. It is informed by the petitioner that the said tattoo was removed and there is only a scar. In view of this statement, which is admitted by the learned Counsel for the respondent there is no impediment in allowing the petition and accepting the candidature of the petitioner for the post of Constable, according to merit. Accordingly, we proceed to pass the following order :

ORDER

- i) The Writ Petition is allowed.
- ii) The impugned Medical Examination Report dated 14/10/2024, and Review of Medical Examination Report dated 16/10/2024, that declares the petitioner unfit, is hereby quashed and set aside.
- iii) The respondent Nos 2 to 4 are hereby directed to consider the candidature of the petitioner for the post of Constable in CAPF.(Central Armed Police Force), as per his merit.
- iv) It is declared that for the post of Constable in CAPF he is not to be declared as ineligible on account of tattoo removal mark on his forearm or for birth mark on forearm.

Petition stands disposed of accordingly.

Pending applications, if any, shall stand disposed of.

(PRAVIN S. PATIL, J.)

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

Jayashree..