



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

WRIT PETITION NO.273 of 2025

Roshan Suresh Tandekar

vs.

Union of India, through the Principal Secretary, Ministry of Personnel, Public Grievance
and Pension, Department of Personnel and Training, New Delhi and others.

Mr. S.G.Karmarkar, Advocate for petitioner.

Mr. C. J. Dhumne, Advocate for respondent nos. 1 to 4.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 30th JANUARY, 2025

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Heard.

2. The petitioner has made the following prayers:

“(i) Quash and set aside the memorandum of unfitness dt.16.07.2024 issued by the Respondent no.3 (Annexure J) i.e. Detailed Medical Examination Rectt. Board, through its Presiding Officer, CT(Tech/Tradesmens, Pioneer & Min) 2023 GC-CRPF, Nagpur;

(ii) Quash and set aside the review medical examination report dt.19.07.2024 (Annexure K) issued by the respondent no.4 Board i.e. Review Medical Examination Rectt Board through its Presiding Officer CT(TECH/Trademens, Pioneer and Min) 2023 GC CRPF Nagpur declaring the petitioner unfit for recruitment for the post of Constable (Driver) (Technical and Tradesman-2023) in CRPF;

(iii) Further direct the respondent authorities to appoint the petitioner on the post of Constable (Driver) (Technical and Tradesman-2023) in CRPF at the appropriate post according to the qualification/marks secured by the petitioner;

(iv) During the pendency of this petition by way of an interim relief, direct the respondent authorities not to fill up one vacancy in the Maharashtra Scheduled category) reserved-Male category for the post of Constable (Driver) (Technical and Tradesman-2023) in CRPF;

(v) ...

(vi)”

3. The petitioner having cleared 10th standard examination and holding a valid driving licence of Heavy Vehicle responded to the employment notice issued by the respondents for selection and appointment of Constable. The petitioner since a qualified driver got himself enrolled for the selection and was issued an admit card for the same.

4. The results which were published by the respondents of the qualified candidates on 02.07.2024 since depicts the name of the petitioner, he was subjected to physical examination/fitness test.

5. During such examination, it was found that the petitioner had a *Tattoo* on the body viz. on the right forearm which has prompted the respondents to declare him disqualified. As such, this petition.

6. The counsel for the petitioner has claimed that the issue is squarely covered by the judgment/order dated 27.03.2023 delivered in Writ Petition No.7251 of 2022 (*Jitendrakumar Mohanlal Yadav vs. Union of India and others*). It is claimed that the *Tattoo* mark will not act as an impediment and in such an eventuality, the petitioner is entitled for selection and appointment.

7. As against above, the counsel appearing for the respondents submits that the disqualification of the petitioner is based on the *Tattoo* mark on his right forearm and in such an eventuality the respondents have conducted themselves in accordance with the Selection Rules.

8. We have considered the aforesaid submissions.

9. This Court had an occasion in the matter of *Jitendrakumar* (supra) to consider an identical issue. This Court by a reasoned order quashed and set aside the declaration of unfitness and directed, if the petitioner therein is otherwise qualified and eligible, appointment order be issued to him. The same appears to be the factual matrix of the case in hand.

10. As such, for the reasons recorded in the order dated 27.03.2023 in the matter of *Jitendrakumar* (supra), it is declared that the petitioner is not

disqualified for having a *Tattoo* mark on his right forearm. If not otherwise disqualified, the respondents shall proceed and issue the appointment order to the petitioner expeditiously.

11. The writ petition stands allowed in above terms. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.