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2026:GAU-AS:16312

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7347/2025

SREEMAN BARMAN
S/O GERA BARMAN, R/O VILL. KARTIMARI PT II, P.O. KARTIMARI, P.S. GOSSAIGAON, DIST. KOKRAJHAR, ASSAM, PIN NO. 783337, ROLL NO 5105015105

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY OF THE MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, NEW DELHI, 1

2:THE STAFF SELECTION COMMISSION
REPRESENTED BY THE CHAIRMAN
BLOCK NO 12 CGO COMPLEX LODHI ROAD
NEW DELHI 03

3:THE DIRECTOR GENERAL
BORDER SECURITY FORCE
BLOCK NO 10 CGO COMPLEX LODHI ROAD
NEW DELHI 03

4:THE INSPECTOR GENERAL
BSF
GUWAHATI FRONTIER
PATGAON
ASSAM
GHY 17

5:THE REVIEW MEDICAL EXAMINATION BOARD II

CT/GD RECRUITMENT EXAMINATION
2025
COMPOSITE HOSPITAL
BSF PATGAON
ASSAM
GHY 17

6:THE DETAILED MEDICAL EXAMINATION BOARD
CT/GD RECRUITMENT EXAMINATION 2025
COMPOSITE HOSPITAL
BSF PATGAON
ASSAM
GHY 1

Advocate for the Petitioner : MD H R AHMED, MR A MALEK

Advocate for the Respondent : DY.S.G.I., MRS. R DEVI(C.G.C)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

06.11.2026

1. Heard Mr. H.R. Ahmed, learned counsel appearing for the petitioner. Also heard Ms. R. Devi, learned CGC appearing for all the respondents.

2. By this application filed under Article 226 of the Constitution of India, the petitioner has challenged the opinion rendered by the Review Medical Board whereby the petitioner was declared medically unfit for appointment.

3. The case of the petitioner is that pursuant to the advertisement dated 05.09.2024 for recruitment to the posts of Constable in the Central Armed Police Forces (CAPFs) and SSF, Rifleman (GD) in Assam Rifles and Sepohy, the petitioner appeared in the examination and upon being successful appeared in the Physical Efficiency Test (PET) in which he was declared successful.

Thereafter, upon successfully completing the PET, the petitioner was required to undergo the Physical Standard Test (PST) in which also he was declared successful.

4. The petitioner was thereafter issued a call letter for undergoing Detailed Medical Examination scheduled to be held on 25.11.2025 at the Composite Hospital, BSF, Patgaon, Assam. In the said Detailed Medical Examination, the petitioner was declared unfit on account of a hesitation cut mark on his left arm and was consequently referred for Review Medical Examination.

5. The Review Medical Examination was conducted on 01.12.2025 at the same hospital. During the course of the Review Medical Examination, the Review Medical Examination Board-II referred the petitioner to the Gauhati Medical College and Hospital (GMCH), Guwahati for examination and opinion of a psychiatrist.

6. Accordingly, the petitioner was examined by the psychiatrist and upon thorough examination a report was submitted stating *inter alia* that no history of symptoms suggestive of any psychiatric illness was found. The psychiatrist further reported that no psychopathology was detected. In the impression recorded in the said report, it was specifically stated that no psychiatric illness was currently present.

7. However, the Review Medical Examination Board-II notwithstanding the aforesaid opinion of the psychiatrist declared the petitioner unfit on the same ground, i.e., the presence of a hesitation cut mark on his left arm. In the report of the Review Medical Examination Board, it was observed that hesitation cut marks indicate past self-harm behaviour and that the duties in the Armed Forces require a high level of sound mental health and involves extreme physical strain.

On the aforesaid basis, the Board opined that the petitioner was not medically fit to discharge his duties in the Armed Forces.

8. The learned counsel appearing for the petitioner submits that the report furnished by the psychiatrist which was favourable to the petitioner, was not duly considered by the Review Medical Examination Board-II. He submits that merely on the ground of the presence of multiple hesitation cut marks on the petitioner's forearm the petitioner was declared medically unfit by the said Board. The learned counsel further submits that in the case of a similarly situated candidate who was also found to have hesitation cut marks on his body, the Review Medical Examination Board after obtaining the opinion of the psychiatrist had declared the said candidate medically fit. It is therefore submitted that the petitioner has been unfairly and arbitrarily dealt with by the Review Medical Examination Board-II.

9. On the other hand, Ms. R. Devi, learned CGC appearing for all the respondents submits that during the initial medical examination of the petitioner hesitation cut marks were noticed on his arms. Consequently, the petitioner was referred to the Review Medical Examination Board, which referred him to the Department of Psychiatry for examination and opinion. Upon consideration of the report furnished by the psychiatrist, the Review Medical Examination Board found the petitioner medically unfit. The learned CGC submits that service in the Armed Forces involves extreme physical and mental strain and that the presence of hesitation cut marks which are indicative of self-inflicted injury, raises concerns regarding the petitioner's suitability to discharge such duties. She further submits that the Review Medical Examination Board is not bound by the opinion of the psychiatrist and is competent to take its own independent decision regarding the medical fitness of a candidate.

10. I have heard the learned counsel appearing for both the parties and have carefully gone through the records placed before this Court.

11. It is seen that the petitioner had successfully cleared both the written examination and the physical tests. However, during the medical examination hesitation cut marks were noticed on his forearms on the basis of which the Medical Board declared him medically unfit. Thereafter, when the matter was placed before the Review Medical Examination Board, the petitioner was referred to a psychiatrist to ascertain the circumstances and possible reasons behind the self-inflicted injuries.

12. However, the psychiatrist in the report submitted did not indicate the presence of any psychiatric disorder. On the contrary, it was specifically reported that no history of symptoms suggestive of psychiatric illness was found. The psychiatrist further recorded that no psychopathology was detected and that the petitioner was not suffering from any psychiatric illness at the time of examination. Thus, it is evident from the report that the psychiatrist did not find any evidence of either past or present psychiatric illness in the petitioner.

13. Although the Review Medical Examination Board is not bound by the opinion furnished by the psychiatrist, it is incumbent upon the said Board to duly consider the report and take the same into account while arriving at its decision. Further, as pointed out by the learned counsel appearing for the petitioner, the guidelines for recruitment issued by the Government of India, Ministry of Home Affairs indicate that the mere presence of hesitation cut marks cannot by itself be a ground for depriving a candidate of appointment. One of the grounds for rejection, as stipulated in the said guidelines is mental or nervous instability accompanied by evidence thereof. In the present case

however the psychiatrist has not reported any finding suggesting that the petitioner is suffering from mental or nervous instability.

14. It is further noticed that the Revised Uniform Guidelines dated 31.05.2021 provide that the Review Medical Examination Board may obtain the opinion of the concerned specialist or super-specialist from a Government Medical College and Hospital. The guidelines further stipulate that in cases where a candidate is declared medically unfit during the Review Medical Examination, the clinical findings must be corroborated by the tests conducted at the hospital. It is also specifically provided that rejection of a candidate merely on the basis of clinical findings should be avoided and that any decision declaring a candidate medically unfit must be consistent with the clinical findings and duly supported by investigation reports.

15. In the instant case, it is noticed that the psychiatrist in the opinion dated 29.11.2025 had reported that the petitioner was not suffering from any psychiatric illness. However, the said opinion does not appear to have been duly considered by the Review Medical Examination Board while arriving at its decision to declare the petitioner medically unfit.

16. In view of the above, this Court deems it appropriate to remand the matter to the Review Medical Examination Board for fresh consideration. The Review Medical Examination Board shall reconsider the case of the petitioner in the light of the psychiatrist's report dated 29.11.2025 and record its findings afresh. Alternatively, the Board may refer the petitioner for re-examination by an appropriate specialist and upon consideration of the report furnished by such specialist pass a fresh decision regarding the medical fitness of the petitioner.

17. With the aforesaid observations and directions, the respondents shall take

the consequential steps and pass appropriate orders in accordance with law.

18. The writ petition stands disposed of.

JUDGE

Comparing Assistant