

**Form No. J(2)**

**Item No. MI/109**

*RKD – A.R.(CT)*

## **IN THE HIGH COURT AT CALCUTTA**

Constitutional Writ Jurisdiction  
(Appellate Side)

**W.P.A. NO 16278 OF 2025**

**Sri Suvojit Ghosh**

**-Vs-**

**Union of India & Ors.**

**BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA**

|                        |                                                                   |
|------------------------|-------------------------------------------------------------------|
| For the Petitioner     | : Ms. Ananya Neogi,<br>Mr. Sasyan Mukherjee,<br>Ms. Anushka Ghosh |
| For the union of India | : Mr. Anjan Sengupta,<br>Mr. Narendra Prasad Gupta                |
| Hearing concluded on   | : 10.02.2026                                                      |
| Judgment on            | : 10.02.2026                                                      |

**SAUGATA BHATTACHARYYA, J.:**

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner participated in the selection process for being appointed as Constable (GD) under Central Armed Police Forces (CAPFs).

3. In Detailed Medical Examination petitioner was declared medically unfit on the ground of presence of tattoo on right forearm.
4. It is submitted that petitioner removed tattoo. It is also submitted since petitioner removed tattoo from his forearm he should have been declared medically fit in Review Medical Examination.
5. Though in the writ petition no date of removal of tattoo is disclosed but it appears at the time of Detailed Medical Examination on 15<sup>th</sup> October, 2024 petitioner had tattoo on right forearm but in Review Medical Examination held on 25<sup>th</sup> October, 2024 tattoo removal wound was found which goes to show that petitioner removed tattoo after Detailed Medical Examination and prior to Review Medical Examination.
6. This Court finds substance in the submission made on behalf of the Union of India as there is no averment in the writ petition as to when tattoo was removed from right forearm of the petitioner.
7. Therefore, it appears that on the date i.e. 15<sup>th</sup> October, 2024 when Detailed Medical Examination was conducted petitioner had tattoo and he tried to remove tattoo before Review Medical Examination as the petitioner preferred review before the concerned authority questioning Detailed Medical Examination Report. Such conduct of the petitioner is not countenanced.

8. Health condition of the petitioner including tattoo marks on forearm of the petitioner needs to be assessed considering the situation which was existing on the date of Detailed Medical Examination and same was conducted on 15<sup>th</sup> October, 2024. If there is an anomaly in Detailed Medical Examination candidate has a right to prefer review before the concerned medical board but removal of tattoo after Detailed Medical Examination and prior to Review Medical Examination in pursuit of being declared medically fit is found to be not permissible which will make the exercise of detailed medical examination Board otiose.
9. Learned advocate representing the petitioner has relied upon judgment dated 20<sup>th</sup> May, 2024 passed on ***WP (C) 5602 of 2024 delivered by the Division Bench of Delhi High Court in Akshay Choudhary v. Union of India, Ministry of Home Affairs & Ors.***
10. But in ***Akshay Choudhary*** (supra) facts are completely different as it appears from paragraph 3 that the candidate underwent a surgery for removal of tattoo on 8<sup>th</sup> December, 2023 and subsequently from 19<sup>th</sup> December, 2023 candidate participated in written examination and thereafter in Physical Efficiency Test and in Physical Standard Test and ultimately petitioner participated in Medical Standard Test and Review Medical Examination. Therefore, prior to commencement of selection process, if same is reckoned from the date of written examination, petitioner removed tattoo but in the present case in pursuit of being declared fit petitioner removed

tattoo after participating in Detailed Medical Examination and prior to participation in Review Medical Examination thereby rendering Detailed Medical Examination otiose.

11. Hence, ratio of **Akshay Choudhary** (supra) does not come in aid of the petitioner.
12. In above conspectus, no relief can be granted to the petitioner.
13. Hence, writ petition stands dismissed.
14. However, there shall be no order as to costs.
15. Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertaking.

**(Saugata Bhattacharyya, J.)**