13.11.2026
rpan/**01**

FMA 1238 of 2025
+
IA No.: CAN 1 of 2025
Sri Subhankar Ghosh
– Versus –
Union of India & Others

Ms. A. Neogi,
Mr. Sayan Mukherjee,
Mr. Mrinmoy Das,
Ms. Anushka Ghosh
… for the Appellant.

Mr. Ram Chandra Agarwal (through V.C.),
Mr. Tapan Bhanja
… for the Respondents.

The present appeal has been preferred by the writ petitioner/appellant herein challenging the order dated 19th May, 2025 passed by the learned single Judge in a writ petition, being WPA 29841 of 2024. The said writ petition was preferred by the appellant challenging *inter alia* the order dated 10th October, 2024 passed by the Detailed Medical Examination (in short, DME) Board pertaining to CT/GD Exam – 2024 and the order dated 19th October, 2024 passed by the Review Medical Examination (in short, RME) Board.

Mr. Mukherjee, learned advocate appearing for the appellant strenuously argues that the RME Board did not take into consideration the report submitted by the competent Medical Officer under

the Department of Health & Family Welfare, IPGMER & SSKMH Centre of Excellence, Government of West Bengal (hereinafter referred to as the said Medical Officer) wherein it was specifically stated *inter alia* that the *'Patient clinically has no knock knees*'. No weightage was granted to the said certificate and the RME Board without appropriate examination could not have declared the appellant unfit. The learned single Judge glossed over the said issue and did not return any finding on the same. Such infirmity warrants interference of this Court.

He contends that no X-Ray was conducted by the RME Board and such act is derogatory to the Revised Uniform Guidelines for Review Medical Examination in Central Armed Police Forces and Assam Rifles (in short, the said Guidelines).

Mr. Agarwal, learned advocate appearing through video conferencing for the respondents denies and disputes the contention of Mr. Mukherjee and submits that there is no averment in the writ petition to the effect that no X-Ray was conducted by the RME Board prior to issuance of the order dated 19th October, 2024.

Drawing our attention to clause 3 (i) of the said Guidelines, Mr. Agarwal submits that for knock knee, an X-Ray is required. Such X-ray was

duly conducted, as would be explicit from the report of the RME Board dated 19th October, 2024.

According to Mr. Agarwal, no weightage can be granted to the certificate issued by the said Medical Officer attached to the Department of Health & Family Welfare on 15th October, 2024 inasmuch as there is no statement in the said report that the concerned authority conducted an independent X-Ray before arriving at the finding.

Placing reliance the said Guidelines, Mr. Mukherjee, in reply, submits that it was incumbent upon the RME Board to consider the medical certificate/report issued by the competent Medical Officer under the Department of Health & Family Welfare as a piece of evidence.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The appellant has not been able to establish that X-Ray was conducted by the said Medical Officer under the Department of Health & Family Welfare prior to issuance of the report on 15th October, 2024. The said report dated 15th October, 2024 also does not contain any certification that the appellant's claim was rejected earlier as unfit for service by the DME Board. The said report is also not corroborated with confirmatory tests/investigation.

In the said conspectus, we are of the opinion that the order impugned in the present appeal does not suffer from any infirmity warranting interference in the appeal, moreso when it is a settled proposition of law that the Court not being an expert should seldom interfere with the reports of the experts and when no *mala fide* could be attributed to the steps taken by the respondents.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Pratim Roy, J.) **(Tapabrata Chakraborty, J.)**