

29.01.2026

Item No.37

Ct. No.1

PG

WP.CT. 192 of 2025
Pratik Kumar Gupta
Versus
The Union of India & Ors.

Mr. Biswarup Biswas
Ms. Nupur Chaudhuri.....for the petitioner

Mr. Smarajit Roy Chowdhury
Ms. Debjani Ghosal
Ms. Sanchayita Dasfor the Union of India

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsel.
2. Affidavit of service filed in Court be kept on record.
3. Heard on admission.
4. This petition filed under Article 226/227 of the Constitution takes exception to the order of Central Administrative Tribunal passed in O.A. 350/1479/2022 decided on 17.12.2024 and also the order passed in R.A. 350/00002/2025 dated 12.12.2025, whereby his review application was rejected.
5. In nutshell, learned counsel for petitioner submits that petitioner submitted his candidature for the post of Assistant Loco Pilot in the respondent/department. During the selection process, the petitioner was required to appear for medical examination.

6. In the first medical report dated 22.10.2019, the petitioner was declared unfit because he was lacking in requisite medical category of A1 as per Indian Railway Medical Manual. The petitioner was subjected to yet another test, namely, Re-Medical Examination at Central Railway Hospital, Maligaon. By report dated 25.02.2020 (annexure- 'A- 6') the petitioner was declared unfit in A1 and B1 category both. The petitioner relied on a document dated 22.05.2023 (page-66A) to show that he was referred to Shankara Deva Nethralaya, Guwahati, for investigation, treatment and valuable opinion. Opinion of said Nethralaya shows that there is no evidence of any refractive surgery noted.
7. Thus, learned counsel for petitioner submits that there are differences in said medical reports and tribunal has erred in holding that the petitioner was not referred to the said Nethralaya by the department whereas the signature of department's doctor is very much there at page-66A, which clearly shows that petitioner was indeed referred for obtaining correct opinion.
8. Learned counsel for petitioner on a specific query from the Bench, fairly submits that as per the medical manual, if petitioner suffers from deficiency in A1 category, he is not eligible/fit to

be selected and appointed as Assistant Loco Pilot. However, he strenuously contended that tribunal erred in ignoring the medical opinion of said Nethralaya on the ground that the petitioner's case was not referred to the said Nethralaya.

9. The alternative argument of learned counsel for petitioner is that the advertisement was issued for various posts including the post of Assistant Loco Pilot. Even assuming that petitioner is not medically fit for the post of Assistant Loco Pilot, the petitioner ought to have been considered against other posts, where lesser medical standard makes the candidate eligible.
10. In nutshell, petitioner submits that since there are differences in the findings of three medical reports mentioned hereinabove, the petitioner's case may be sent for further medical examination.
11. Learned counsel for the department supported the impugned orders passed by the tribunal.
12. We have heard the parties at length on admission.
13. It is a matter of common knowledge that post of Assistant Loco Pilot/Loco Pilot is a very sensitive post in railways. The vision and other medical fitness for such post cannot be compromised in any way. Although in first two medical reports

there is little difference inasmuch as in second report, the petitioner was held to be suffering from B1 category as well whereas in the first report, he was through so far as B1 category is concerned. However, in our opinion, both the reports contained a common opinion regarding petitioner's deficiency in A1 category.

14. Learned counsel for petitioner was fair enough in accepting that even deficiency in A1 category makes him unfit for consideration for the post of Assistant Loco Pilot. In view of this consistency in both the reports, we find no reason to send the matter for any third opinion.
15. So far opinion of Shankara Deva Nethralaya, Guwahati is concerned, even assuming that petitioner was referred to this Nethralaya by the department, it will not improve the case of the petitioner because the report shows that it is only relating to no evidence of any refractive surgery. The report does not improve the case of the petitioner in relation to his deficiency/unfitness in A1 category.
16. Thus, we are unable to hold that mistake allegedly committed by the tribunal about reference to the Nethralaya by the departmental official will cut any ice in favour of the petitioner.

17. So far alternative prayer of petitioner for consideration against other posts for which he may be eligible is concerned, suffice it to say, petitioner submitted his candidature only against the post of Assistant Loco Pilot. Petitioner could not point out any enforceable right of consideration against other posts contained in the advertisement/notification in absence of submitting his candidature. This was not also the prayer of petitioner before the tribunal. Thus, tribunal also did not have any occasion to examine the eligibility and right of the petitioner on this aspect.
18. In view of the Constitution Bench judgment of Supreme Court in **L. Chandra Kumar vs. Union of India & Ors.** reported in **(1997) 3 SCC 261**, this Court cannot act as a court of first instance to consider a relief for the first time.
19. In view of said discussion, no case is made out for admission.
20. Admission is declined.
21. Petition is dismissed.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)