

Form No. J(2)
Item No. DL/7
ARPAN – A.R. (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 27728 OF 2025

SHIBDAS MONDAL

Vs.

UNION OF INDIA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	: Mr. Debasish Kundu, Adv. Mr. Bidan Modak, Adv.
For the Union of India	: Mr. Rivu Dutta, Adv. Mr. Piyash Choudhury, Adv.
Hearing concluded on	: 23.02.2026
Judgment On	: 23.02.2026

SAUGATA BHATTACHARYYA, J.:

1. In terms of the previous order dated 15th January, 2026, matter is heard today in presence of the learned advocates representing the petitioner and the Union of India.
2. Learned advocate representing the Union of India has made submissions based on review medical examination report dated 20th

November, 2025 wherein it was opined that petitioner had Deviated Nasal Septum (DNS) which significantly obstructed airway.

3. By order dated 8th December, 2025, this Court directed medical expert of All India Institute of Medical Sciences (AIIMS) Kalyani to furnish a report after examining the petitioner. A report dated 24th December, 2025 was returned by a Medical Board comprising four medical experts. Petitioner was medically examined by the Medical Board of AIIMS Kalyani on 24th December, 2025.
4. As per findings of the Medical Board, Petitioner has nasal septum mild deviation (DNS) to the right side and all three passes are clear on both sides. As per airway patency test, petitioner's bilateral nasal airway is patent. Finally it was diagnosed that petitioner has mild DNS right with normal mucosa with bilateral nasal airway patency and no features of sinusitis.
5. Taking note of the report dated 24th December, 2025 of the Medical Board of AIIMS Kalyani, it transpires that the Medical Board does not agree with the findings as contained in the report of the review medical examination dated 20th November, 2025.
6. Since as per Court's direction an independent Medical Board comprising four medical experts of AIIMS Kalyani furnished a report dated 24th December, 2025 on examining the petitioner, Court needs to rely upon the said report dated 24th December, 2025.

7. In terms of Clause 7(i) of the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles as revised in May, 2015, mild and moderate DNS with both nasal airways patent may not be rejected.
8. However, learned advocate representing the Union of India has relied upon Clause (C)(iii)(d) of the revised medical guidelines of May, 2015 under the heading Nose, Sinuses and Larynx wherein it is provided that marked DNS with nasal airway obstruction is one of the grounds for declaring a candidate unfit.
9. On perusal of the report dated 24th December, 2025 of AIIMS Kalyani, Court finds it does not appear that petitioner has marked DNS with nasal airways obstruction rather petitioner has mild DNS right with bilateral nasal airway patency and no features of sinusitis.
10. In terms of Clause 7(i) of the revised medical guidelines of May, 2015 wherein it is provided that a candidate having mild and moderate DNS with both nasal airways patent may not be rejected, Court finds petitioner ought not to have been declared unfit in review medical examination for being considered in the post of Constable (G.D.) under Central Armed Police Forces.
11. Placing reliance on medical report dated 24th December, 2025 furnished by the Medical Board of AIIMS Kalyani, Court directs the concerned respondent authorities to treat the petitioner as fit candidate and appoint the petitioner in the post of Constable (G.D.) under Central

Armed Police Forces by eight (8) weeks from date of communication of this order, if petitioner is found otherwise eligible.

12. With the above direction writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)