

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 27855 OF 2025

SAMIR HALDER

VS.

THE UNION OF INDIA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner

:Mr. Sarbananda Sanyal, Adv.
Mr. Samrat Chakraborty, Adv.

For the UOI

:Mr. Sanajit Kumar Ghosh, Adv.
Mrs. Sarda Sha, Adv.

Hearing concluded on

: 04.02.2026

Judgment on

: 04.02.2026

SAUGATA BHATTACHARYYA, J.:

1) In terms of order dated 6th January, 2026 report in the form of affidavit affirmed on 21st January, 2026 by Deputy Inspector General (Principal Staff Officer) of Border Security Force is filed today and same is taken on record.

2) Petitioner participated in the selection process for being appointed as Constable (GD) in Central Armed Police Forces (CAPFs)

and in Review Medical Examination he was declared unfit due to presence of hypertrophic scar at his right forearm.

3) As Review Medical Examination Report dated 24th November, 2025 is questioned in this writ petition, Court directed the concerned respondent authority to file a report. In the report it is disclosed that forearm of appointee is subjected to constant friction and stress during rope climbing, wall climbing, crawling exercises, weapon handling and drill, combat training and field deployment. These activities are intrinsic part of training and operational duties. Hypertrophic scar as found by the respondent authority at right forearm of the petitioner is likely to break down under friction, resulting in pain and repeated injury, impair grip and endurance and interfere with effective performance of combat duties.

4) In addition thereto, reliance is placed on clause XII (B) (13) of the revised guidelines wherein it is provided that scars or any other chronic skin disorder of a degree or nature that requires frequent outpatient treatment or hospitalization are disqualifying since same will interfere with the wearing of combatised clothing or equipment or exhibit a tendency to ulcerate or interfere with satisfactory performance of duty.

5) Reasons which are assigned in paragraph 10 of the report reveals health condition so far petitioner is concerned due to presence of hypertrophic scar at his right forearm where clause XII (B) (13) is found to be applicable.

- 6) On behalf of the petitioner medical report dated 1st November, 2024 in connection with previous selection process is placed wherein petitioner was declared fit. In this regard, reliance is placed on the judgment of the Hon'ble Division Bench dated 11th September, 2025 passed on an intra-court appeal being **FMA 964 of 2025 (Harun Miah Vs. Union of India & Ors.)** wherein it was decided that measurement taken in the instant recruitment process not in the earlier recruitment process is relevant and such observation was made in respect of height of the candidate for recruitment as Constable (GD) in Central Armed Police Forces.
- 7) Court finds ratio of **Harun Miah** (supra) applies in the present case. Hence, medical report dated 1st November, 2024 in connection with previous selection process need not be relied upon while deciding fitness of the candidate in the present selection process.
- 8) In aforesaid conspectus, writ petition stands dismissed.
- 9) There shall be, however, no order as to costs.
- 10) Urgent photostat certified copy of this judgment and order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)