

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28556 of 2024

Sanowaj Sekh
VS.
Union of India & Ors.

Mr. Debasish Kundu
Mr. Sudepto Kumar Basu
Mr. Bidan Modak
... For the petitioner

Mr. Ram Chandra Agarwal
Ms. Atmaja Bandyopadhyay
Mr. Aninda Bhattacharya
Mr. Tapan Bhanja
Mr. Ayan Chatterjee
... For Union of India

1. The petitioner participated for recruitment as Constable (GD) in Central Armed Police Forces.
2. He has been declared medically unfit by the Detailed Medical Examination Board due to (i) defective vision and (ii) pectus arcuatum.
3. The petitioner was asked to appear before the Review Medical Examination Board. The Review Medical Examination Board declared the petitioner unfit on the ground of pectus excavatum.
4. Thereafter the petitioner got himself medically examined in State Government hospital and obtained a fit certificate in his favour.
5. The petitioner is aggrieved by the manner in which he has been medically examined by the

Detailed Medical Examination Board and the Review Medical Examination Board.

6. Prayer has been made to re-evaluate and re-examine the physical fitness of the petitioner by an independent medical board.

7. Submission of the petitioner is opposed by the learned advocate representing the respondents.

8. From the documents annexed to the writ petition it appears that the petitioner was declared medically unfit by the Detailed Medical Examination Board on 28th September, 2024 and by the Review Medical Examination Board on 4th October, 2024. The petitioner obtained fit certificate from the State Government hospital thereafter.

9. As per the Recruitment Rules, the decision of the Review Medical Examination Board is final and no appeal can be entertained.

10. As it appears that the expert doctors of the recruiting authority detected the aforementioned defects in the petitioner which are grounds for disqualification of candidature, accordingly, the Court is not inclined to interfere with the said findings.

11. As the petitioner participated for recruitment in the Central Armed Police Force, the medical certificate relied upon by the petitioner obtained from the State Government Hospital in support of the submission

that he does not suffer from any such defect, cannot be accepted.

12. The standard of fitness of a civilian is not the same as required in the armed forces where strict and stringent methods to assess physical fitness are resorted to.

13. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

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

(Amrita Sinha, J.)