

Form No. J.(2)
Item No. DL/6
ARPAN - AR (CT)

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

W.P.A. NO. 28496 OF 2025

SOURAV NATH

Vs.

UNION OF INDIA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Debasish Kundu, Adv.

For the Union of India : Mr. Ranjan Kumar Sinha, Adv
Mr. Shaunak Ghosh, Adv.

Hearing concluded on : 15.01.2026

Judgment On : 15.01.2026

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of the learned advocates representing the petitioner and the Union of India.
2. Petitioner has filed supplementary affidavit which was affirmed on 22nd December, 2025, and same is taken on record.

3. Question arises for consideration is whether petitioner is to be considered medically fit in connection with 2025 selection process for being appointed as Constable (G.D.) under Central Armed Police Forces (for short, 'CAPFs').
4. Petitioner participated in detailed medical examination and review medical examination. In review medical examination, which was conducted on 1st December, 2025 in connection with 2025 selection process, petitioner was declared unfit since he was diagnosed with bow legs.
5. Learned advocate representing the petitioner relies upon review medical examination report dated 2nd November, 2024 in connection with previous selection process, *i.e.*, selection process of 2024 whereby petitioner was declared fit and it was found that petitioner had mild bow legs. It is submitted that if petitioner had mild bow legs during medical examination on 2nd November, 2024, in the subsequent selection process of 2025 petitioner may not be declared unfit on the ground of bow legs.
6. In addition thereto medical report dated 9th December, 2025 issued by College of Medicine & JNM Hospital, Kalyani, Nadia, which is annexed to the supplementary affidavit, is also relied upon by the petitioner as in that report petitioner was declared fit. It is submitted that based on review medical report dated 2nd November, 2024 and the medical report

dated 9th December, 2025, petitioner needs to be considered as a fit candidate for being appointed as Constable (G.D.) under CAPFs.

7. Learned advocate representing the Union of India has filed a report signed by Commandant (ESTT) on 1st January, 2026 on behalf of IG BSF, South Bengal Frontier enclosing relevant documents including medical report dated 1st December, 2025, which are taken on record.
8. It is submitted on behalf of the Union of India based on such report that petitioner was diagnosed with bow legs and petitioner's intercondylar distances at knee is more than 7 cm. According to the respondents, as per Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles which was revised in May, 2015, bow legs is one of the grounds for declaring a candidate unfit if intercondylar distance is more than 7 cm.
9. Having considered the submissions made on behalf of the parties and taking note of the report dated 1st January, 2026 including the documents enclosed thereto, it appears that petitioner was sent to JNM Hospital, Kalyani and Theism Diagnostic, Kolkata for specialist opinion and investigation. Orthopaedic at JNM Hospital found that on standing petitioner's intercondylar distance at knee is less than 10 cm but it was not clearly mentioned whether it is more than 7 cm or not.
10. However, it is disclosed in the report dated 1st January, 2026 that after multiple measurements and examinations by review medical

examination board, it was found that petitioner indeed had intercondylar distance of more than 7 cm.

11. Court is not a medical expert and in order to assess medical fitness of the candidate, Court needs to rely upon the report of medical expert. Relating to deformity, *i.e.*, bow legs as defined in revised medical guidelines of May, 2015, if intercondylar distance at knee is more than 7 cm then that is a ground for rejection.
12. Medical report dated 9th December, 2025, which is enclosed to the supplementary affidavit as relied upon on behalf of the petitioner does not disclose measurement of intercondylar distance in order to adjudicate whether bow legs is a ground to declare the petitioner unfit or not.
13. On the contrary, it is disclosed in the medical report dated 1st December, 2025 as relied upon by the respondents that Orthopaedic at JNM Hospital measured, on standing, petitioner's intercondylar distance at knee is less than 10 cm but it does not mean it is less than 7 cm. During review medical examination, it was found by the authority that such distance is more than 7 cm and as there is no other medical document which contradicts such finding of the medical expert who examined the petitioner during review medical examination in relation to intercondylar distance, Court needs to rely upon the findings of medical expert based on review medical examination.

14. On behalf of the petitioner, reliance was placed on review medical examination dated 2nd November, 2024 in connection with previous selection process of 2024 in order to demonstrate that petitioner was declared medically fit considering petitioner had mild bow legs. However, in connection with present selection process of 2025, petitioner was not declared fit on the ground of bow legs. 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 succinctly held by the Hon'ble Division Bench that measurement taken at the time of instant recruitment and not the earlier recruitment process, is relevant and that was in connection with height of the candidate.
15. The ratio in **Harun Miah** (*supra*) is also applicable in the present case as health condition of the petitioner in 2025 may have been altered due to efflux of time. Hence, no relief can be granted to the petitioner.
16. Writ petition stands dismissed. There shall be no order as to costs.
17. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)