

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 28494 OF 2025

Sumon Ghosh
VS.
Union of India & Ors.

For the Petitioner : Mr. Debasish Kundu, Adv.
Ms. Arpita Kundu, Adv.

For the Respondents : Mr. Partha Ghosh, Adv.
Mr. Jasojeet Mukherjee, Adv

Heard on: : 20. 01.2026

Judgment on: : 20.01.2026

SAUGATA BHATTACHARYYA, J:

1. In terms of the order dated 6th January, 2026 a report is filed which was signed on 12th January, 2026 by Commandant (Estt) on behalf of Inspector General, Border Security Force, South Bengal Frontier and same is taken on record.

2. Petitioner being aggrieved by report of review medical board dated 1st December, 2025 filed this writ petition as in review medical examination petitioner was declared unfit on the ground of tattoo removal scar mark present over right forearm.
3. Court on perusal of review medical report dated 1st December, 2025 directed concerned respondent authority to file a report.
4. Learned advocate representing the petitioner submits that petitioner participated in the selection process for being appointed as Constable (GD) under Central Armed Police Forces and qualified in written test as well as in physical standard test, but was declared unfit in detailed medical examination conducted on 27th November, 2025. Petitioner preferred review against detailed medical examination report and in review medical examination petitioner was declared unfit as tattoo scar mark was found on right forearm of the petitioner.
5. In reference to the report filed today dated 12th January, 2026 which is made over to the learned advocate representing the petitioner, it is submitted that contents of the report dated 12th January, 2026 do not tally with review medical report dated 1st December, 2025 since as per review medical report tattoo removal scar was found on right forearm of the petitioner, but report filed today discloses even after removal

tattoo was clearly visible. Therefore, according to petitioner, report dated 12th January, 2026 is not correct.

6. In addition thereto, reliance is also placed on review medical examination report dated 16th October, 2024 whereby petitioner was declared fit. Therefore, it is submitted that in connection with next selection process i.e. selection process of 2025 in medical examination petitioner ought to be declared fit.
7. Taking note of the submissions made on behalf of the parties and in consideration of the report dated 12th January, 2026 it is found that petitioner had tattoo on his right forearm which is saluting arm and same is not permissible under Clause 3 of Revised Guidelines of May, 2015. However, a case is made out that petitioner had removed tattoo prior to review medical examination though in review medical examination on the ground of presence of tattoo removing scar petitioner was declared unfit. In the report it is disclosed that there are multiple scar marks measuring 4 x 4 cm., 1.5 x 1.5 cm. and 2 x 2 cm. on right forearm. It is also disclosed therein that tattoo removal was not up to the mark and underlying tattoo was clearly visible on petitioner's right forearm.
8. It is true that in review medical examination due to presence of tattoo removal scar on right forearm of the petitioner he was

declared unfit and in report dated 12th January, 2026 it is disclosed that tattoo removal was not up to the mark and underlying tattoo is visible. Findings of review medical board and reasons for declaring the petitioner unfit as contained in report dated 12th January, 2026 may not be identical, but findings are not contrary to each other. In deciding this matter Court has to rely upon the findings made by medical expert as well as report filed by the department as Court is not medical expert.

9. Petitioner relied upon review medical examination report dated 16th October, 2024 in pursuit of being declared fit in the next selection process of 2025. However, issue has already been decided by the Hon'ble Division Bench on an intra Court appeal being **FMA 964 of 2025 (Harun Miah Vs. Union of India & Ors.)** wherein it was decided that measurement taken at the time of present recruitment and not the earlier recruitment is relevant. Such observation was made by the Hon'ble Division Bench in connection with height of candidate for being appointed as Constable. The ratio of **Harun Miah** (supra) squarely applies in the present case and as such, previous review medical examination report dated 16th October, 2024 does not come in aid of the petitioner.

10. In aforesaid conspectus no relief can be granted to the petitioner.
11. Writ petition stands dismissed.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)