

Form No. J.(2)
Item No. DL/4
ARPAN – A.R. (CT)

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

W.P.A. NO. 29359 OF 2025

JHANTU SARKAR

Vs.

THE UNION OF INDIA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	: Ms. Tanuka Basu, Adv. Ms. Shamayem Fasih, Adv. Mr. Tanmoy Chakraborty, Adv. Mr. Akash Das, Adv.
For the Union of India	: Mr. Samarjit Roy Chaudhury, Adv. Mr. Rahul Sarkar, Adv. Ms. Dipika Sarkar, Adv. Ms. Swarnwarshi Poddar, Adv.
Hearing concluded on	: 21.01.2026
Judgment On	: 21.01.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard extensively in presence of the learned advocates representing the petitioner and the Union of India.

3. Petitioner participated in the selection process for being appointed as Constable (G.D.) under Central Armed Police Forces (CAPFs). In connection with the said selection process, petitioner appeared for detailed medical examination on 29th November, 2025 and petitioner was declared unfit since on right forearm of the petitioner presence of tattoo was found. Petitioner removed the said tattoo by undergoing therapy on 1st December, 2025 and thereafter participated in review medical examination on 4th December, 2025.
4. In review medical examination, Medical Experts opined that the petitioner was not fit due to tattoo and superficial burn mark was found to be present on right forearm of the petitioner. Questioning said review medical report dated 4th December, 2025, present writ petition is filed with a prayer for direction upon the concerned respondent authorities to consider appointment of the petitioner for the post of Constable (G.D.) under CAPFs.
5. In support of such contentions raised in this writ petition, reliance is placed on an order of the Hon'ble Supreme Court dated 19th July, 2019 passed on ***Writ Petition(s) (Civil) No(s).444 of 2019 (Dharmvir Singh vs. The State of Uttar Pradesh & Anr.)*** and a judgment of the Hon'ble Division Bench of Delhi High Court reported in ***2024 SCC OnLine Del 5162 (Staff Selection Commission and Others vs. Deepak Yadav)***.

6. Learned advocate representing the Union of India has opposed this writ petition and has placed reliance on the judgment of this Court dated 2nd January, 2026 passed on a writ petition being **WPA 28705 of 2025 (Rahul Bari vs. Union of India & Ors.)**.
7. In addition thereto, it is also submitted on behalf of the Union of India that admittedly petitioner had tattoo on the date of petitioner's participation in the detailed medical examination on 29th November, 2025. Therefore, by subsequent removal of tattoo, situation ought not to be improved thereby declaring the petitioner fit for considering his appointment for the post of Constable (G.D.) under CAPFs, on his participation in review medical examination which was conducted on 4th December, 2025.
8. In **Deepak Yadav** (*supra*), the Hon'ble Division Bench of Delhi High Court was considering the candidate for selection in the post of Constable in Delhi Police for the year 2023 where Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles as revised in May, 2015 are not applicable. Moreover, from paragraph 12 of the judgement, it appears that first medical board was held on 20th January, 2024 and thereafter review medical board was held on 22nd January, 2024 and the candidate prior to his participation in first medical board by undergoing surgery removed tattoo. It is also recorded in paragraph 13 of the judgement that the Hon'ble Division Bench physically saw the right forearm of the

candidate, who was present in Court, and it was found that tattoo was not visible.

9. Here in the present case, different set of revised medical guidelines of May, 2015 are applicable for appointment in the post of Constable (G.D.) under CAPFs and the fact is petitioner participated in detailed medical examination on 29th November, 2025 with tattoo and thereafter, removed tattoo prior to appearing before the medical experts in review medical examination on 4th December, 2025. Therefore, the facts of the present case are not akin to the facts which were considered by the Hon'ble Division Bench in **Deepak Yadav** (*supra*).
10. Order of the Hon'ble Supreme Court dated 19th July, 2019 in **Dharmvir Singh** (*supra*) does not come in aid of the petitioner wherein Hon'ble Supreme Court directed to constitute a Medical Board comprising medical professionals for examining the candidate in order to furnish a report as the candidate was diagnosed with deviated nasal septum (DNS).
11. In an identical situation while deciding the writ petition being WPA 28705 of 2025, this Court delivered judgment on 2nd January, 2026. Paragraph nos.7 to 9 of the judgment dated 2nd January, 2026 run *infra*:

“7. In absence of specific case is made out in the writ petition relating to date of removal of tattoo Court has to proceed on the basis of a document which is at page 23 of the writ petition wherefrom it appears

that tattoo was removed on 6th December, 2025 by laser therapy. Whereas Detailed Medical Examination was conducted on 3rd December, 2025 and Review Medical Examination was conducted on 6th December, 2025.

8. *Therefore, it appears that on the date i.e. 3rd December, 2025 when Detailed Medical Examination was conducted petitioner had tattoo and he tried to remove tattoo before Review Medical Examination as the petitioner preferred review before the concerned authority questioning Detailed Medical Examination Report. Such conduct of the petitioner is not countenanced.*

9. *Health condition of the petitioner including tattoo marks on different parts of the body of the petitioner needs to be assessed considering the situation which was existing on the date of Detailed Medical Examination and same was conducted on 3rd December, 2025. If there is an anomaly in Detailed Medical Examination candidate has a right to prefer review before the concerned medical board but removal of tattoo after Detailed Medical Examination and prior to Review Medical Examination in pursuit of being declared medically fit is found to be not permissible.”*

12. Facts which were considered in **Rahul Bari** (*supra*) are similar to the facts involved in this writ petition as the petitioner herein in pursuit of being declared fit in review medical examination, which was held on 4th December, 2025, removed tattoo on 1st December, 2025 by undergoing

therapy after participation in detailed medical examination, which was conducted on 29th November, 2025 and same is not countenanced.

13. Hence, writ petition stands dismissed.
14. There shall be no order as to costs.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)