



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

WRIT PETITION NO.8450 OF 2025

Dnyaneshwar S/o Vishnu Bhimat,
Aged about 26 years, Occ. Student,
R/o Jamb, at Post Arak,
Tq. Mangrulpir, Dist. Washim

... Petitioner

vs.

1. Union of India,
Through its Principal Secretary,
Ministry of Personnel, Public
Grievances and Pensions Department
Of Personnel and Training, New Delhi.
2. Staff Selection Commission,
Through its Secretary, Block No.12,
CGO Complex, Lodhi Road, New Delhi,
3. Detailed Medical Examination Rect. Board,
Through its Presiding Officer,
CT/GD-2025, Group Center CRPF,
District Nagpur
4. Review Medical Examination Rect. Board,
Through its Presiding Officer,
CT/GD-2025, Group Center CRPF,
Nagpur, Tq. & Dist. Nagpur

... Respondents

Shri Ved Deshpande, Advocate for petitioner.
Shri C. J. Dhumane, Advocate for respondents.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 29th January, 2026

Judgment : (Per : Raj D. Wakode, J.)

Heard Shri Ved Deshpande, learned counsel for the petitioner and
Shri C. J. Dhumane, learned counsel for the respondents.

Rule. Rule made returnable forthwith. Heard finally with the
consent of counsel for the parties.

2. The petitioner has approached this Court seeking challenge to the memorandum of unfitness dated 18/11/2025 issued by respondent No.3-Detailed Medical Examination Rect. Board and the review medical examination report dated 19/11/2025 issued by respondent No.4-Review Medical Examination Rect. Board declaring the petitioner as unfit for recruitment in Constables (GD) in Central Armed Police Forces (CAPFs), SSF and Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau Examination-2025. The petitioner further seeks direction of this Court to the respondents-Authorities to consider the petitioner for appointment on the aforesaid post.

3. The brief facts leading to the present petition are as follows :

The petitioner who has completed HSSC (10+2) is a domicile of Maharashtra is a well built, well qualified and motivated youth aspiring to serve the country by joining the Central Workforce. In pursuance of advertisement notice dated 05/09/2024 he applied for appointment on the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF and Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau Examination-2025. The aforesaid advertisement is at record page 16 (Annexure-I). The petitioner since was eligible for the said examination, was issued admission card for the aforesaid examination and was held qualified for physical examination. After conducting the physical examination, the petitioner was declared to be qualified for the detailed medical examination. On 18/11/2025 the detailed medical examination was conducted wherein the petitioner was declared as unfit vide memorandum of unfitness for the reason that the petitioner was having tattoo on his right forearm. The petitioner applied for review medical examination before respondent No.4-Review Medical Examination Recruitment Board, however, the respondent No.4-Board also declared the

petitioner as unfit on 19/11/2025 due to the existence of partially removed tattoo on his right forearm. The petitioner being aggrieved by the aforesaid declaration as unfit solely for the reason of partially removed tattoo on his right forearm, has approached this Court.

4. Shri Ved Deshpande, learned counsel for the petitioner submits that the petitioner before appearing for medical examination has undergone the treatment for removal of tattoo and the same was removed and what has remained on his right forearm is only a scar. He pointed out the photograph of the scar on the flexor aspect of forearm of the petitioner which is at record page 52 (Annexure-VIII). However, the respondent Nos.3 and 4 Medical Boards have completely disregarded the aforesaid fact of removal of tattoo and have declared the petitioner unfit only for the aforesaid scar.

5. The issue involved in the present writ petition is no more *res integra* and this Court in catena of judgments has held that mere existence of a tattoo does not make the person medically unfit and the candidature of the person cannot be rejected for having a tattoo.

Shri Ved Deshpande, learned counsel for the petitioner has relied upon one such judgment of this Court dated 12/12/2024 passed in Writ Petition No.6666/2024 (*Nikhil S/o Jagdev Bombatkar vs. Union of India and ors.*) wherein this Court after relying on various judgments mentioned in paragraph 5 of the judgment has allowed the writ petition filed by similarly situated candidate like the petitioner by holding that the action of the respondents/Authority in declaring the petitioners medically unfit for having tattoo on the right forearm is unsustainable.

It is worth to mention here that the petitioner has already undergone the treatment for removal of the said tattoo and accordingly the

tattoo is removed and only scar has remained on his right forearm.

6. Shri C. J. Dhumane, learned counsel for the respondents has fairly submitted that in respect of the tattoo mark Rules were not incorporated in the recruitment advertisement notice which was published on 05/09/2024.

7. In our considered opinion, in absence of any such condition incorporated in the recruitment notice, the action of the respondents of denying the petitioner from consideration only on the ground of tattoo mark on his right forearm is unsustainable in the eyes of law.

Shri Ved Deshpande, learned counsel has invited our attention to the additional affidavit dated 26/01/2026 filed by the petitioner wherein a statement is made on oath that during the pendency of the present petition, on 15/01/2026, the final result of the said examination was published by the respondent No.2. Perusal of the said final result demonstrates that the cutoff marks for BSF-MALE-MAHARASHTRA-OBC-GENERAL category is 108.4 and the petitioner has obtained 116.5 marks.

8. Thus, the petitioner has qualified the examination by securing the marks well above the requisite cutoff marks and he would have been selected if would not have been declared medically unfit by virtue of the impugned memorandum of unfitness.

9. In view of above, we pass the following order :

- (i) Writ Petition is allowed.
- (ii) The impugned memorandum of unfitness dated 18/11/2025 issued by respondent No.3-Detailed Medical Examination Rect. Board

and the review medical examination report dated 19/11/2025 issued by respondent No.4-Review Medical Examination Rect. Board declaring the petitioner unfit for recruitment in pursuance of recruitment notice dated 05/09/2024 which is at record page 16 (Annexure-I) are hereby quashed and set aside.

- (iii) The respondent respondent No.2 is directed to consider the petitioner for appointment on the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF and Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau in accordance with the marks secured by the petitioner in the examination.
- (iv) Writ Petition is disposed of in above terms. No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)