

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 27189 of 2024

Joni Sk
Vs.
Union of India & Ors.

For the petitioner : Mr. Bikash Ranjan Bhattacharya, Sr. Advocate
Mr. Siddhartha Sankar Mandal
Ms. Arunima Das Sharma

For the UOI : Mr. Subhankar Chakraborty
Mr. Pradyat Saha
Ms. Ruchira Manna

Heard on : May 21, 2025

Judgment on : May 21, 2025

Aniruddha Roy, J. :

The order dated **May 1, 2025** shows that the parties made a joint prayer, since the common issue involved in all these writ petitions, these series of writ petitions could be heard analogously. Accordingly, these writ petitions were taken up for consideration. However, after commencement of hearing of the first writ petition in the series being **W.P.A. 27189 of 2024**, learned counsel appearing in the other writ petitions submit that those other writ petitions differ from the said first writ petition on facts. Accordingly, the

said first writ petition is dealt with first and the others will be dealt individually on separate hearings.

Facts:

1. The petitioner was an aspirant for the selection process **CAPFs (GD) Examination, 2024 (for short, the said selection process)**. The petitioner was successful to reach up to the Physical Efficiency Test and at that level he had been stuck. The Medical Examination of the petitioner was held on **October 7, 2024** and the report was prepared at **page 20** to the writ petition. The report shows the petitioner was disqualified for the reasons mentioned therein. One such reason, inter alia, is **Clubbing of Fingers both hands for evaluation**.

2. The petitioner immediately applied for Review Medical Test according to the terms and conditions of the selection process. The Review Medical Test had happened on **October 14, 2024** by the Review Medical Board. The review report was prepared, at **page 21** to the writ petition. The review report also disqualified the petitioner declaring him to be unfit for reasons mentioned therein. One such reason, inter alia, is **Clubbing of Fingers both hands**. The petitioner then got himself examined at a Government medical centre of his own in West Bengal on **October 23, 2024**, when he was certified that though the clubbing is there but the hands were normal, at **page 22** to the writ petition.

3. However, in view of the concurrent finding by the first Medical Board and the Review Medical Board of the selection authority the candidature of

the petitioner was rejected. Being aggrieved with such rejection the petitioner has filed the instant writ petition.

Submissions:

4. Mr. Bikash Ranjan Bhattacharya, learned Senior Counsel appears through virtual mode with Mr. Siddhartha Sankar Mandal, learned advocate for the petitioner. Referring to the various clauses from the relevant medical guideline relating to the said selection process, Mr. Bhattacharya learned Senior Counsel submits that nowhere from the said medical guideline it would appear that ***Clubbing of Fingers at the hands*** will be treated as a disqualification for a candidate. Referring to the clauses he submits that, Clubbing of Feet has been mentioned to be a disqualification under the medical guidelines but there is no whisper that ***Clubbing of Fingers at the hands*** will be a disqualifying criteria. Learned Senior Counsel submits that, unless a particular criteria is specifically defined and mentioned in the guiding medical guidelines under which the selection process takes place, no candidate will be treated as disqualified on such criteria.

5. Mr. Bikash Ranjan Bhattacharya, learned senior counsel submits that, the ***Rule of the Game*** is fixed. The disqualifications are also fixed there under. Unless a specific disqualification is mentioned in the medical guideline, no candidature can be rejected on such flimsy ground which is not a disqualification under the medical guidelines.

6. Referring to the said two medical reports at ***pages 20 and 21*** to the writ petition learned senior counsel submits that the respective medical

boards have not arrived at their satisfaction in support of their finding that how Clubbing of Fingers at the hands would impair the normal functioning and free movement of the hands of the petitioner. As such, the reasons shown for rejection of candidature of the petitioner are illegal, arbitrary, wrongful and not tenable in law and also contrary to the medical guidelines governing the said selection process.

7. Mr. Subhankar Chakraborty, learned counsel with Mr. Praddut Saha, learned advocate and Ms. Ruchira Manna, learned advocate appearing for the Union of India/respondent nos. 1, 2 and 6 to 9 at the threshold refers to **Sub-Clause (c) to Clause 3** under principal **Clause VII** with the heading **Upper Extremities** (at running **page 21** of the Medical Guidelines) and submits **scars and deformities of the fingers or hand that impair normal functioning/free movement of the fingers/hand to such a degree as to interfere with the satisfactory performance of combatised duties, are treated to be disqualification.**

8. Learned counsel for the Union of India then refers to the said two medical reports at **pages 20 and 21** to the writ petition and submits that, the medical boards consisting of the medical experts have arrived at their specific finding at both the levels of medical tests that, the petitioner has **clubbing of fingers at the hands** and the petitioner was found to be disqualified being **medically unfit** for the selection process.

9. Learned counsel for the Union of India submits that, there is no variation of medical opinion in the said two medical reports prepared by the

medical experts at two different stages of medical examination. At both the two stages, the petitioner was personally examined by the medical experts and the disqualification was detected. This Court cannot sit on such opinion of the medical experts.

10. The medical guidelines, referred to above, were also framed by the medical experts and the clause, referred to above, specifically records that, scars or deformities of the fingers or hand that impair normal functioning/free movement for the fingers/hand to such a degree as to interfere with the performance of the duty of the aspirant would be treated as a disqualification and the medical experts came to the specific finding of disqualification on the basis of the said clause embodied in the medical guidelines read with the finding of fact upon physical examination of the petitioner. Therefore, the findings of the medical boards were just and proper and strictly in accordance with the terms and conditions of the medical guidelines framed for the selection process. There is no illegality or arbitrary finding whatsoever.

11. In the light of the above, learned counsel for the Union of India prays for dismissal of this writ petition.

Decision :

12. After considering the rival contentions of the parties and upon perusal of the materials on record, this Court at the threshold, quotes the relevant clause from the medical guidelines, referred to by the counsel for the Union of India :

“3. Hand and fingers.

(a)

(b)

(c) Scars and deformities of the fingers or hand that impair normal functioning/free movement of the fingers/hand to such a degree as to interfere with the satisfactory performance of combatised duties, are disqualifying.”

13. The two medical reports at **pages 20 and 21** to the writ petition are admitted documents and existence thereof has not been denied by the parties. On a plain reading of the said two medical reports it appears to this Court that, one common ground and finding of the medical boards for rejection of the candidature of the petitioner was **clubbing of fingers** at the hands. The reports were prepared by the medical experts. The report at **page 20** was prepared at the first instance and the one at **page 21** was prepared at the stage of medical review. The fact that petitioner has **clubbing of fingers** is not denied by the petitioner.

14. The principal challenge of the petitioner is that, this **clubbing of fingers** is not specified to be a disqualification in the medical guidelines governing the said selection process and when such ground is not included as a ground for disqualification in the medical guidelines, the medical board ought not to have proceeded to reject the candidature of the petitioner. Such plea of the petitioner has to be examined in the light of the relevant clause provided under the medical guidelines, which is already quoted above.

15. On a plain, meaningful and harmonious reading of the said **Sub-Clause (c) to Clause 3** from the medical guidelines, as quoted above, it

clearly reveals to this Court that, scars and deformities of the fingers or hand that impair normal functioning/free movement of the fingers/hand to such a degree as to interfere with the satisfactory performance of the combatised duties are to be treated as disqualification. Once the medical reports confirm that there are ***clubbing of fingers*** at the hands of the petitioner, on the basis thereof the medical experts have arrived at a finding that the same should be treated as a disqualification. Even if, it is not mentioned in the medical reports with a specific finding that existence of ***clubbing of fingers*** of the petitioner would impair normal functioning/free movement of the fingers/hand to such a degree as to interfere with the satisfactory performance of the duties, for which the petitioner has participated in the selection process, would matter a little and would be of no consequence when the reports were prepared by the medical experts. The finding of fact mentioned in the reports along with the decision for rejection, in the considered view of this Court, is sufficient and in due compliance of the provisions for disqualification laid down under the medical guidelines, as discussed above. On perusal of the said clause from the medical guidelines, this Court is also of the firm view that, the reason shown for disqualification by the medical boards has been covered by the said ***Sub-Clause (c) to Clause 3*** to the medical guidelines. Therefore, the plea taken by the petitioner that, the ground for disqualification of the petitioner is not mentioned in the medical guidelines, stands ***rejected***.

16. Upon careful perusal of the terms and conditions of the medical guidelines, as already discussed above, this Court is of the firm and considered view that, the ***decision for rejection*** taken by the medical experts is ***justified, lawful and in compliance of the medical guidelines and does not warrant any interference*** by this Court.

17. The law is well settled. Court cannot sit in appeal on a decision and opinion of experts neither the Court can substitute an expert's opinion. The Court seldom interferes with an expert's opinion unless an *ex facie* mala fide, arbitrariness or inconsistency is there on the face of the experts opinion. This is not such a case.

18. Accordingly, this Court is of the view that, this writ petition is devoid of any merit.

19. This writ petition, ***WPA 27189 of 2024*** stands ***dismissed***, without any order as to costs.

20. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)