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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 13638 of 2025

1. Devendra Devgade S/o Mr. Sakharam Devgade Aged About 21 Years R/o Ward No. 10, Village- Sonesarad Vtc Pipalgaon Kurud, P.O. - Temni, Tehsil- Kirnapur, District- Balaghat (M.P.)

... Petitioner

versus

1. Union Of India Through Secretary, Ministry Of Home Affairs, Kartavya Bhavan, 03 Janpath, New Delhi.
2. The Director General, Crpf (Recruitment Branch), East Block-07, Level 4, Sector 01, R.K. Puram, New Delhi.
3. The Staff Selection Commission Through Regional Director (MPR), 5th Floor, Investment Building, Lic Campus-2, Pandri, Raipur
4. Review medical board through presiding officer/ CMO (SG), GC, CRPF Bilaspur.

... Respondents

For Petitioner	:	Mrs. Anju Ahuja, Advocate.
For Respondents	:	Mr. Ramakant Mishra, Dy. Solicitor General with Mr. Niraj Baghel, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

30/03/2026

1. Petitioner has filed this writ petition seeking following reliefs:-



“10.1. That the Hon’ble Court may kindly be pleased to call for the entire record pertaining to the case of petitioners for its kind perusal.

10.2. That the Hon’ble High Court may kindly be pleased to, quashing and setting aside the impugned Memorandum declaring the Petitioner medically unfit dated 17/11/2025 (Annexure P4) and the Review Medical Examination report dated 20/11/2025 (Annexure P5) may be declared illegal, arbitrary in the interest of justice.

10.3. That the Hon’ble High Court may kindly be pleased to, directing the Respondents to reconsider the Petitioner as medically fit in the light of medical certification obtained from District Hospital Balaghat (Annexure P6) or else respondent no.4 may reexamine the petitioner’s scar / alleged tatto again and consider him for further recruitment process to the post of Constable as per his merit position, if he is otherwise eligible with all consequential benefits.

10.4. That the Hon’ble High Court may kindly be pleased to grant any other relief, to which the Hon’ble High Court may deems fit and proper in the interest of justice.”

2. Facts of the case, in brief, are that pursuant to notification dated 5.9.2025, petitioner applied for the post of Constable (General Duty) in Central Armed Police Forces (CAPF). Petitioner successfully clear computer based examination, physical standard test and therefore, he was called for detailed medical examination. After detailed medical



examination, petitioner was served with Memorandum dated 17.11.2025, declaring him medically unfit on the ground that he is having tattoo mark on his right forearm. Thereafter, petitioner approached the Review Medical Board for review medical examination in which also petitioner was declared unfit due to presence of tattoo mark on his right forearm.

3. Learned counsel for petitioner submits that petitioner has successfully passed all the tests in pursuance to the selection process initiated by the respondents vide Annexure-1. However, his candidature had been rejected straightaway only on the ground of having tattoo mark over right forearm without affording him any opportunity to take remedial step in connection with the tattoo mark, which is remediable and not of a permanent character. She submits that after rejection by the Review Medical Board, the petitioner got removed tattoo mark on his right forearm by surgical procedure, now only scar of tattoo removal remained on the forearm and in support thereof, she referred to medical certificate dated 22.11.2025 (Annexure P-6) in which it is clear mentioned that presently there is only a scar of tattoo mark. She submits that having got the tattoo removed from right forearm, technically, there exists no tattoo on the right forearm of the petitioner and as such, the petitioner meets the eligibility criteria. She further submits that tattoo removal scar mark on right forearm of



petitioner will not in any manner affect the duties of a Constable in the respondent-Organization, therefore, it would be highly unjust if petitioner is deprived from employment in the respondent organization despite his possessing eligibility for the advertised post particularly when the tattoo mark in question has been got removed by him. In support of her submissions, she placed reliance on the order of the High Court of Rajasthan, Bench at Jodhpur, dated 28.11.2023 passed in Civil Writ Petition No.11906/2023.

4. On the other hand, learned Dy. Solicitor General for respondents opposes submissions made by learned counsel for petitioner and submits that as per the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifle, revised as on May 2015, (for short 'the guidelines') tattoos are acceptable only if they are on some hidden part of the body. They are also permissible if they are on the left forearm because it is not the saluting arm and is not exposed at the time of saluting in the force. However, since the tattoo of the petitioner is on right forearm which is saluting arm therefore, it is a disqualification as per Clause 11(3) of the guidelines. He submits that since the guidelines for a disciplined force are mandatory and are required to be followed in letter and spirit, the disqualification of the petitioner cannot be interfered with. He further submits



that after having declared disqualified, petitioner might have removed his tattoo and left with scar mark but subsequent removal of the same will not revive petitioner's claim in the instant process for recruitment. No relief can be granted to the petitioner in this proceeding. He placed reliance on the order dated 20.11.2025 passed by High Court of Madhya Pradesh in Writ Appeal No.2932/2025.

5. Heard learned counsel for the parties and perused the documents annexed along with writ petition.
6. Criteria to be used to determine permissibility of tattoo is provided in Clause 11 of the guidelines, relevant portion of which is extracted herein below for ready reference:-

“(3) Tattoo : The practice of engraving/tattooing in India is prevalent since time immemorial, but has been limited to depict the name or a religious figure, invariably on inner aspect of forearm and usually on left side. On the other hand the present young generation is considerably under the influence of western culture and thus the number of potential recruits bearing skin art had grown enormously over the years, which is not only distasteful but distract from good order and discipline in the force.

Following criteria are to be used to determine permissibility of tattoo:

- a) Content - being a secular country, the religious sentiments of our countrymen are to be respected and thus tattoos depicting religious symbol or



figure and the name, as followed in Indian army, are to be permitted

b) Location - tattoos marked on traditional sites of the body like inner aspect of forearm, but only LEFT forearm, being non saluting limb or dorsum of the hands are to be allowed.

c) Size -size must be less than 1/4 of the particular part (Elbow or Hand) of the body.”

7. From perusal of above quoted instruction, it is clear that tattoos of limited categories in terms of religious practices in India are permissible and that too only on left forearm being non-saluting arm. Thus, there is no absolute prohibition in having a tattoo mark. Admittedly, petitioner was having tattoo on right forearm, which is a saluting limb, and for this reason, he has been disqualified for the post of Constable in Central Armed Police Forces (CAPFs).
8. As per pleadings made in writ petition as also submission made by learned counsel for petitioner, now there exists no tattoo mark on right forearm of petitioner and there is only a healthy and stable scar. In support thereof, a medical certificate dated 22.11.2025 issued by Surgical Specialist, District Hospital Balaghat (MP) is submitted along with writ petition as Annexure P-6 and a photograph of tattoo mark is also placed on record along with covering memo dated 5.12.2025. From the said certificate and photograph it can be seen that as on date only the scar of tattoo removal remained



on the forearm of petitioner. Clause 11 (3) of the guidelines also does not stipulate that if there exists a scar pursuant to removal of tattoo, the same would lead to disqualification of a candidate.

9. In Writ Petition No.10026/2017, parties being Shridhar Mahadeo Pakhare vs Union of India and others, decided on 30.1.2018, the petitioner, who was found eligible for the post of Constable/Driver and referred for medical examination, was declared medically unfit by the Medical Officer for the reason that there appeared a tattoo mark on the outer aspect of right arm. Petitioner therein challenged the medical opinion and also prayed for issuance of directions to the respondents to consider him eligible for the post applied for. In the aforementioned facts of case, Bombay High Court has held thus:-

“5. In our opinion, it would not be permissible for the employer to treat the class of employees differently and apply different parameters. As has been recorded above, the religious sentiments of the individual need to be respected. For the reasons recorded above, we are of the opinion that the claim of the petitioner for employment needs to be considered. The petitioner is otherwise found fit by the Medical Board, except on account of carving out the tattoo which has also been removed admittedly to the extent of 90%. We are of the opinion that the respondents need to be directed to consider the claim of the petitioner for employment



since he has been found otherwise fit. The Writ Petition is thus allowed. The respondents are directed to consider the claim of the petitioner for employment to the post of 'constable / driver' in C.I.S.F. and the medical opinion holding the petitioner ineligible on account of tattoo mark shall not be construed as an impediment for issuing an order of appointment in favour of the petitioner. Rule is accordingly made absolute. There shall be no order as to costs."

10. In case at hand, petitioner has cleared computer based examination as well as physical efficiency test and thereby he has established his merit and eligibility for appointment. Since a tattoo mark was found on his right forearm, which is a saluting arm, he was declared medically unfit in accordance with terms of the guidelines. Defect of a tattoo mark, being a curable one, cannot be treated at par with disqualification which go to the root of eligibility. It is well settled proposition that where a defect is curable/rectifiable, the candidate ought to be afforded a reasonable opportunity to cure the same. It is not in dispute that no opportunity had been given to the petitioner to get the tattoo removed. Outright rejection of candidature without affording an opportunity to remove the tattoo mark would be arbitrary, particularly when the candidate is otherwise fully qualified. Moreover, it is informed by learned counsel for petitioner that petitioner has got removed said tattoo and there is only scar of tattoo removal on the forearm.



11. For the foregoing reasons and discussion, writ petition is allowed. Impugned memo dated 17.11.2025 (Annexure P-4) and report dated 20.11.2025 (Annexure P-5), that declares the petitioner medically unfit for having tattoo mark on his right forearm, are hereby quashed. Respondents are directed not to consider petitioner disqualified on the count of having a scar of tattoo mark on his right forearm. They are directed to consider the candidature of petitioner for selection to the post of Constable (GD) in the Central Armed Police Force (CAPFs) if he is otherwise qualified on merit.

12. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-