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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4925/2023

RAJDEEP GHOSH
S/O PROJENDRA GHOSH, VILL-SONAKHIRA, P.O.-CHANDHKHIRA, P.S.-
PATHERKANDI, DIST-KARIMGNAJ (ASSAM), PIN-788725, ROLL NO.-
5111000325

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY OF THE MINISTRY OF HOME AFFAIRS,
GOVT. OF INDIA, NEW DELHI-1

2:THE STAFF SELECTION COMMISSION
REPRESENTED BY THE CHAIRMAN
BLOCK NO. 12 CGO COMPLEX
LODHI ROAD
NEW DELHI-03

3:THE REGIONAL DIRECTOR
STAFF SELECTION COMMISSION
GUWAHATI
ASSAM
HOUSE FED COMPLEX
DISPUR
GHY-6

4:THE DIRECTOR GENERAL
BORDER SECURITY FORCE
BLOCK NO. 10
CGO COMPLEX
LODHI ROAD
NEW DELHI-03

5:THE INSPECTOR GENERAL
BSF
GUWAHATI FRONTIER
PATGAON
ASSAM-GHY-17

6:THE COMMANDANT (RECTT)
FRONTIER HQS
BSF
GUWAHATI
PATGAON
ASSAM-GHY-17

7:THE REVIEW MEDICAL BOARD
COMPOSITE HOSPITAL BSF
PATGAON
ASSAM-GHY-17

8:THE MEDICAL OFFICER
19 BN. BSF
ALAMGANJ (SUPERIGHAT)
DIST-DHUBRI
ASSA

Advocate for the Petitioner : MR. R MAZUMDAR, MR A MALEK,MD H R AHMED

Advocate for the Respondent : DY.S.G.I., MR. S S ROY (R-1)

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 29.07.2026

Heard Mr. H.R. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. S.S. Roy, learned CGC appearing for the respondent No.1.

2. It appears that although the petitioner was initially selected for appointment to the post of Constable (GD) in the CAPFs for the recruitment year 2018, upon being provisionally appointed on 07/02/2023 and subjected to a

subsequent medical examination to ascertain whether he had acquired any disease, disability or injury during the intervening period from the initial medical examination, he was found to be suffering from overweight and restriction of movement of the shoulder joint (left > right). Consequently, his appointment came to be rejected.

3. It has been brought to the notice of this Court that despite the petitioner having been examined by the concerned Orthopaedic Surgeon, who certified him to be fit for all activities, and despite the radiological and the x-ray reports of the petitioner's shoulder revealing no abnormality, the Review Medical Board, in a wholly mechanical manner and without due consideration of the aforesaid medical opinion and diagnostic reports, opined that the petitioner was suffering from restriction of movement of his left shoulder.

4. Mr. S.S. Roy, learned CGC, fairly concedes the aforesaid position. However, insofar as the other ground of disqualification, namely overweight is concerned, it appears that at the time of the initial medical examination conducted during the recruitment process, the petitioner was found to weigh 62 kg. Subsequently, during the intervening period, the petitioner gained additional weight and, his weight having exceeded the prescribed range of 51.5 kg to 62.5 kg, he was declared medically unfit for appointment.

5. It appears that, after issuance of the provisional offer of appointment, every selected candidate is required to undergo a fresh medical examination by a Medical Officer for the limited purpose of detecting or ascertaining whether the candidate has acquired any disease, disability or injury during the

intervening period between the initial medical examination and the date of joining. It is only upon being found medically fit in such examination, the appointment is formalized.

6. In the present case, though the petitioner was initially allowed to join pursuant to the subject provisional offer of appointment, the appointment of the petitioner was cancelled solely on the basis of the opinion rendered by the Review Medical Board declaring him medically unfit. Prima facie, therefore, this Court is unable to accept the contention advanced on behalf of the respondents that the condition of being overweight, which arose subsequent to the initial medical examination, would, by itself, fall within the ambit of "a disease, disability or injury" contemplated under the terms and conditions of the provisional offer of appointment issued to the petitioner.

7. At this stage, Mr. S.S. Roy, learned CGC, seeks a short accommodation to obtain specific instructions from the competent authority on the aforesaid aspect.

8. Repost on **20.08.2026**.

JUDGE

Comparing Assistant