



2025:CHC-AS:1238

07.7.2025
ML.42

Court No.2
Sg

WPA 29168 of 2024

**Nisha Hansada
Vs.
Union of India & Ors.**

Mr. Ujjal Ray
Ms. M. Mondal

....for the petitioner.

Mr. Kaushik Dey
Mr. Pradip kr. Kundul

....for the respondents.

Affidavit of service filed in Court today is taken on record.

Mr. Ujjal Ray, learned advocate appears for the petitioner. Mr. Kaushik Dey, learned advocate appears for the respondents.

The petitioner was an aspirant for the post of Constable (G.D) in the Central Armed Police Force, SSF and Rifleman (G.D.) in Assam Rifles and Sepoy in Narcotics Control Bureau Examination, 2024 (in short the selection process). He reached up to the stage of detailed medical examination and he has been struck. The Medical Board report dated November 12, 2024 at page 58 to the writ petition shows that the petitioner was disqualified and declared to be unfit for three medical reasons mentioned therein. Following the medical guideline for the selection process, the petitioner on November 12, 2024 preferred review. Medical Board by its



report dated November 16, 2024 opined that the petitioner was unfit and disqualified due to the medical reason mentioned therein, which is same as that of the **third serial at page 58** to the writ petition. The petitioner out of his own volition got himself further medically examined in a State Hospital where the opinion by the medical board was negated, at page 60 to the writ petition.

Mr. Ujjal Ray, learned advocate for the petitioner submits that there are errors in finding of the medical board and the petitioner may be directed to be examined by a third expert.

Mr. Kaushik Dey, learned advocate for the respondents submits that the reports both at pages 58 & 59 were given by the different sets of medical experts of the two medical boards. The final merit list for the selection process has already been published on December 13, 2024. There is no vacancy. The vacancy, if any, have already been carried forward for the next selection process for the year 2025.

In as much as, learned advocate for the respondents submits that the experts' opinion shall not be interfered by the Writ Court in the facts of this case.

After considering of the rival contentions of the parties and upon perusal of the materials-on-record, the admitted position is that, there is at least



one common medical ground for rejection by both the medical boards, being the third serial at page 58 to the writ petition. On the said third ground at page 58 to the medical report, the two medical boards set up with the different the medical experts came to the same opinion.

The law is well settled that Court cannot sit on appeal over an expert's opinion neither the Court can substitute an expert's opinion. The Court seldom interfere with an expert's opinion unless an *ex facie mala fide*, arbitrariness and/or inconsistency is there on the face of the expert's opinion. This is not such a case. The two medical reports, referred to above, show there is no inconsistency..

In view of the foregoing reasons and discussions, this Court finds no reason to interfere with the existing medical reports at pages 58 and 59 to the writ petition. The decision for rejection is not interfered with.

Accordingly, this writ petition, **WPA 29168 of 2024** stands dismissed, without any order as to costs.

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

(Aniruddha Roy, J.)