

Form No. J(2)
Item No. DL/9
ARPAN – A.R. (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 28704 OF 2025

RAHUL MITRA

Vs.

UNION OF INDIA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	: Mr. Debasish Kundu, Adv. Mr. Bidan Modak, Adv.
For the Union of India	: Mr. Ram Chandra Agarwal, Adv. Mr. Tapan Bhanja, Adv.
Hearing concluded on	: 29.01.2026
Judgment On	: 29.01.2026

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of the learned advocates representing the petitioner and the Union of India.
2. In terms of the order dated 19th January, 2026, a report signed by Commandant (Estt) for IG BSF South Bengal Frontier on 2nd January, 2026 is filed today and same is taken on record.

3. Copy of the report is also made over to the learned advocate representing the petitioner.
4. Petitioner participated in the selection process for being appointed as Constable (G.D.) under Central Armed Police Forces (CAPFs) and qualified in the written test and physical standard test. However, in review medical examination conducted on 3rd December, 2025 petitioner was declared unfit as petitioner has hemangioma measuring 2 x 3 cm over left temporal region (lateral of eyebrow).
5. Learned advocate representing the petitioner questions review medical examination report dated 3rd December, 2025 and submits that hemangioma is a common known non-cancerous (benign) tumor formed by a dense and abnormal collection of blood vessels. Therefore, such skin disorder may not interfere with wearing combatised cloths and equipments.
6. In addition thereto reliance is also placed on review medical examination which was conducted on 31st July, 2023 in connection with previous selection process wherein petitioner was declared fit.
7. Learned advocate representing the Union of India has opposed this writ petition based on report filed today and review medical examination report dated 3rd December, 2025. It is submitted that in terms of Clause XII(B)(13) of Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles as revised in May, 2015, petitioner may not be declared medically fit.

8. In order to decide the issue, Court finds Clause XII(B)(13) of the revised medical guidelines of May, 2015 needs to be quoted below:

“XII. EXAMINATION FOR SKIN DISEASES AND LEPROSY

B. Other conditions which are to be considered for rejection-

13. *Scars, or any other chronic skin disorder of a degree or nature that requires frequent outpatient treatment or hospitalization, which in the opinion of the certifying authority affects thermoregulatory function, or will interfere with the wearing of combatised clothing or equipment, or which exhibits a tendency to ulcerate, or interferes with the satisfactory performance of duty, are disqualifying. Includes scars at skin graft donor or recipient sites.”*
9. It is provided under Clause XII(B)(13) of the revised medical guidelines of May, 2015 that scars or any chronic skin disorder of a degree or nature that requires frequent outpatient treatment or hospitalization, which in the opinion of the certifying authority affects thermoregulatory function or will interfere with the wearing of combatised clothing or equipment or which exhibits a tendency to ulcerate or interferes with the satisfactory performance of duty, are grounds for declaring a candidate unfit.
10. It is specifically spelt out in the review medical examination report dated 3rd December, 2025 that petitioner has hemangioma over left temporal region (lateral of eyebrow) which likely to interfere with wearing of combatised equipments or cap.

11. This Court is not medical expert. Therefore, based on opinion of medical experts and taking note of the relevant provisions as contained in revised medical guidelines of May, 2015, it needs to be scrutinized whether petitioner can be declared fit for being appointed in the post of Constable (G.D) under CAPFs or not.
12. As medical experts in review medical examination dated 3rd December, 2025 opined that hemangioma over eyebrow is likely to interfere with wearing of combatised equipment or cap, it is found that decision contained in the said review medical examination is not contrary to Clause XII(B)(13) of the revised medical guidelines of May, 2015.
13. Reliance has been placed on review medical report dated 31st July, 2023 in connection with previous selection process wherein according to the petitioner, he was declared fit. However, such report ought not to be taken into consideration in view of ratio of the judgment of the Hon'ble Division Bench dated 11th September, 2025 passed in an intra-court appeal being **FMA 964 of 2025 (Harun Miah vs. Union of India & Ors.)** wherein Hon'ble Division Bench observed that measurement taken at the time of instant recruitment and not in the earlier recruitment process, is relevant.
14. In **Harun Miah** (*supra*) it was decided in connection with height of the candidate and the ratio is found to be applicable in the present case as there is difference of more than two years in between the review medical examination which was conducted on 31st July, 2023 in

connection with previous selection process and the review medical examination conducted in connection with the instant selection process on 3rd December, 2025. During such period, health condition of the petitioner may have altered.

15. Hence, no relief can be granted to the petitioner.
16. Writ petition stands dismissed.
17. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)