In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
And
The Hon'ble Mr. Justice Supratim Bhattacharya

MAT No.45 of 2026
IA No: CAN 2 of 2026

Anand Oraon

-Versus-

The Union of India and others

For the appellant	:	Mr. Ved Rai, Mr. Mayank Bhandari, Mr. Vivek Saha, Mr. Binayak Bandhopadhyay ... Advs.
For the respondents	:	Mr. Sudipto Kr. Mazumdar, Ld. DSGI, Mr. Sudip Kr. Paul, Adv.
Heard on	:	08.06.2026
Reserved on	:	08.06.2026
Judgment on	:	10.06.2026

Sabyasachi Bhattacharyya, J.:-

1. The present appeal has been preferred against a judgment dated March 24, 2026 passed in WPA No.2574 of 2025.

2. The appellant participated in the staff selection process for the post of Constable (GD) in the Central Armed Police Forces (CAPFs), held in terms of a notice bearing F. No. HQ-C-3007/12/2024-C-3. After having cleared the

initial stages of the recruitment process, the appellant took part in the Detailed Medical Examination, in which the appellant was declared unfit with the observation “severe skin infection on Perineum and Genital Area”.

3. The petitioner applied for a Review Medical Examination, which was scheduled to be held on November 20, 2025. The petitioner alleges that the Review Medical Board referred the appellant to a dermatologist of the Maharaja Jitendra Narayan Medical College and Hospital (for short, “ MJN”), which is disputed by the respondent-Authorities. Be that as it may, after examination of the appellant, the dermatologist of MJN issued a report indicating that the appellant was suffering from “Tinea Cruris”, being a fungal infection of the skin which, according to the said report, was curable and non-communicable.

4. The Review Medical Examination Board, in its report, reiterated the initial diagnosis, affirming the unfitness of the petitioner for the desired post. In the said report, the opinion of the dermatologist of MJN was also referred to.

5. The petitioner challenged the said decision of the Review Medical Board and sought for re-examination by filing a writ petition, bearing WPA No.2574 of 2025. By the impugned judgment, the said writ petition was dismissed on contest.

6. Learned counsel appearing for the appellant argues that the respondent-Authorities acted arbitrarily in mechanically reiterating the initial finding of the Medical Board to the effect that the appellant was unfit for the post. It is pointed out that in the opinion of the dermatologist of MJN, to which the petitioner was referred by the Review Medical Board itself, the fungal

infection of the petitioner prevailing at that juncture was not only non-communicable but curable. As such, the said condition could not be treated as a permanent disability rendering the appellant ineligible for the job.

7. Learned counsel places reliance on a report dated November 26, 2025 issued by the Raiganj Government Medical College & Hospital barely five days after the Review Medical Board's report, which was independently obtained by the appellant, to argue that the same clearly indicates that no obvious skin lesion was seen and that the appellant was fit from the dermatological point of view. Thus, it is argued that the appellant was unfairly held to be unfit for the concerned post.

8. It is sought to be stressed by the appellant that despite referring to the report of MJN, to which the Review Medical Board itself referred the appellant, the import of the same was totally ignored by the respondent-Authority, thereby committing patent illegality. Learned counsel for the appellant places reliance on Clause 6 of the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles, which stipulates the General Grounds for Rejection. Serial No.19 thereof, it is submitted, deals with skin diseases. In the said sub-clause, chronic skin diseases like Vitiligo, Leprosy, SLE, Eczema, Chronic extensive Fungal dermatitis have been flagged as the nature of disease pertaining to the skin which furnishes a ground for rejection of candidature. It is submitted that none of the reports-in-question identified the dermatological issue which the appellant suffered from at the relevant period to be chronic in nature. Thus,

the appellant did not fall within the categories of disease for which his candidature could be rejected.

9. Learned counsel for the appellant cites an unreported judgment of the Hon'ble Supreme Court in the matter of *Dharmvir Singh v. The State of Uttar Pradesh & Anr. [Writ Petition(s) (Civil) No(s). 444/2019]* where the Hon'ble Supreme Court held that the nature of ailment and medical condition being remediable and not of any permanent character, a fresh board of medical professionals would be constituted to undertake medical examination of the candidate afresh. By relying on the said judgment, learned counsel submits that under similar circumstances, the petitioner ought also to be afforded an opportunity for further medical examination, particularly keeping in view the fact that the subsequent medical examination of the appellant, undertaken independently only five days after the examination by the respondent-Authority, indicated that the appellant was free from the dermatological point of view and was thus eligible for the post-in-question.

10. Learned counsel for the appellant next cites a Division Bench judgment of the Delhi High Court in the matter of *Commissioner of Police and Anr. v. KM Lavi [W.P.C) 3025/2025]*, where it was held *inter alia* that where the Medical Board has not opined on whether the disease was organic and contagious, likely to render him unfit for police service, the candidate would require a further examination to opine on the same.

11. Learned counsel for the appellant next cites another Division Bench judgment of the Delhi High Court in the matter of *Staff Selection Commission & Ors. v. Aman Singh [W.P.(C) 13821/2024, CM APPLs. 57902/2024 &*

57904/2024], where it was held that the aspect of "curability" assumes significance in many cases and certain medical conditions may be curable, in which cases the court has to be cautious.

12. Taking a cue from the aforesaid judgment, learned counsel for the appellant argues that since the nature of disease of the appellant was neither chronic nor contagious, rendering the appellant unfit for rendering the services required for the post for which he took the examination, the respondent-Authorities acted arbitrarily and *de hors* their own guidelines in rejecting the appellant's candidature.

13. Learned Deputy Solicitor General of India (DSGI), appearing for the respondent-Authorities, controverts the arguments of the appellant and places reliance on Clause XIII, sub-clause 3(a) of the CAPFs Guidelines, providing for examination of candidates of inguinal region and genitals. In the said sub-clause, it is stipulated that the medical examination of the candidate must look for skin diseases including fungal infection and the candidate is to be disqualified if such disease is extensive. In the present case, all the concerned reports indicated that the infection of the appellant was severe and extensive, spreading over the perineum, genital area and buttocks. Hence, such disease comes within the purview of one of the yardsticks of disqualification for the post.

14. Learned DSGI next contends that the judgments cited by the appellant were rendered in the context of particular guidelines for the respective posts-in-question being considered therein. However, none of the said judgments, it is submitted, pertains to recruitment in CAPFs. In view of the Guidelines for

Recruitment Medical Examination in CAPFs providing categorically for skin disease of extensive nature as a ground for disqualification on the yardstick of ineligibility, it is submitted that the respondent-Authorities were justified in declaring the appellant unfit.

15. Learned DSGI next argues that the scope of interference in an intra-court appeal is extremely limited and the learned Single Judge having extensively dealt with all facets of the matter and having come to his own conclusion, the impugned judgment ought not to be in interfered with.

16. Learned DSGI further argues that the discretion of the authorities in respect of recruitment comes within the exclusive domain of the said authority and is not readily interfered with by courts. In particular, in disputes of the present nature, which pertain to specialised expertise in the medical field, the court is not suitably equipped to substitute its own opinion for that of experts.

17. Learned DSGI refutes the contention of the appellant that the appellant was ever referred to the MJN and it is submitted that the reference to the opinion of the MJN expert in the Review Body report was incidental, since such opinion was produced by the appellant on his own. In any event, it is submitted that in view of the learned Single Judge having taken a particular view which is plausible on the basis of the materials on record, this Court ought to dismiss the appeal.

18. In order to appreciate the issues involved in the present appeal, it is necessary to turn to the Guidelines for Recruitment Medical Examination in

Central Armed Police Forces and Assam Rifles, as revised in May, 2015, which has been relied on by both parties.

19. The appellant places particular stress on Clause 6(19) of the said Guidelines, which speaks about skin diseases of chronic nature, including fungal dermatitis. However, the caption of the said clause is "General Ground for Rejection", as opposed to Clause XIII of the Guidelines, which provides for "Examination of Inguinal Region and Genitals". Clause XIII stipulates the exact nature of examination to be carried out for the purpose of recruitment in CAPFs. Sub-clause 3(a) thereof stipulates that during such examination, it is to be looked into whether the candidate, *inter alia*, has skin diseases like boils and fungal infection, etc., which are common in scrotal skin and groin and may extend to hips also. The said provision specifically stipulates that in such cases, the candidate is to be disqualified if the nature of the infection is extensive.

20. Thus, the specific parameters provided in Clause XIII override the general grounds of disqualification stipulated in Clause 6 of the Guidelines, the latter being in the nature of illustrations and not exhaustive.

21. In *Dharmvir Singh (supra)*[1], the Hon'ble Supreme Court was considering recruitment for the post of Sub-Inspector in the UP Police. While dealing with an issue of DNS (Deviated Nasal Septum), the Hon'ble Supreme Court observed that the same was remedial and impermanent in character, which

[1] ***Dharmvir Singh v. The State of Uttar Pradesh & Anr. [Writ Petition(s) (Civil) No(s). 444/2019]***

prompted the Hon'ble Supreme Court to direct a re-examination of the candidate.

22. It is noteworthy that the specific guidelines applicable to such examination were not discussed in the judgment. As rightly argued by the learned DSGI in the present case, a judgment can be construed as a precedent only if the *ratio decideni* thereof matches the case at hand in the factual context. Since the specific guidelines for recruitment of CAPFs has been placed before us, in the humble opinion of this Court, the general proposition iterated in *Dharmvir Singh (supra)*[2], rendered in an entirely different context of recruitment for the Sub-Inspector of the UP Police, obviously having a different set of guidelines, cannot operate as a precedent.

23. In *KM Lavi (supra)*[3], the Division Bench of the Delhi High Court was considering the recruitment for the post of Constable in the Delhi Police. The governing guidelines were discussed in the said judgment. The Court reproduced Rule 24(2) of the Delhi Police (Appointment & Recruitment) Rules, 1980, which stipulates that the medical officer shall test the eyesight, speech and hearing of the candidate, his freedom from physical defects, organic or contagious disease, his age or any other defects or tendency likely to render him unfit for police service. It further provides that the candidate shall be rejected for any disease or defect likely to render them unfit for the duties of a police officer at any stage. The Court placed particular reliance on the expressions "organic or contagious disease" and "likely to render him

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[2] ***Dharmvir Singh v. The State of Uttar Pradesh & Anr. [Writ Petition(s) (Civil) No(s). 444/2019]***

[3] ***Commissioner of Police and Anr. v. KM Lavi [W.P.C) 3025/2025]***

unfit for police service". In such specific context, the Division Bench observed that the effect of the dermatological issue of the appellant therein on their fitness for the job-in-question was not given due weightage, due to which a further examination was required. However, in the same breath, the Division Bench of the Delhi High Court cautioned that there can be no dispute on the proposition that the consistent view of the Medical Board and the Review Medical Board was to be accorded due recognition and could not be interfered with in a casual manner, specially keeping in view that fact that the Courts are not medical experts. An exception was carved out in the said case only on the ground that the vital aspect of the candidate's fitness was not considered by the Board.

24. As opposed thereto, in the present case, there is no specific linkage in the CAPFs Guidelines between the skin disease-in-question and the likeliness of the same to render the candidate unfit for the service. Clause XIII of the governing Guidelines in the present case categorically provides that any fungal infection, which is common in the scrotal skin and groin and may extend to hips also, if extensive, disqualifies the candidate, without tying up the said parameter with the fitness for the post. Such unqualified provision, without any rider regarding curability or non-commucability, is in stark contradiction with the provision being discussed in *KM Lavi (supra)*[4].

[4] ***Commissioner of Police and Anr. v. KM Lavi [W.P.C) 3025/2025]***

25. In *Aman Singh (supra)*[5], another Division Bench of the Delhi High Court observed that the aspect of "curability" assumes significance in many cases and certain medical condition may be curable, the Court being required to be cautious in dealing with such cases. However, a caveat was flagged by the Division Bench to the effect that if the condition is itself specified in the applicable rules or guidelines as one which, by its very existence, renders the candidate unfit, the Court may discredit the aspect of curability. Only if there is no such stipulation, and the condition is curable with treatment, then, depending on the facts of the case, the Court opined that the Review Medical Board ought to have given the candidate a chance to have his condition treated and cured.

26. However, as discussed above, in the present case, the governing Guidelines categorically stipulates fungal infection extending to the groin and hip region, if extensive, to disqualify the candidate outright, without reserving any mitigating clause on the ground of curability.

27. Looking at the impugned judgment, the learned Single Judge took all the above aspects into consideration. It was observed therein that there was no arbitrariness, illegality or procedural infirmity so as to warrant interference under Article 226 of the Constitution of India. The severe nature of the skin infection of the appellant was also taken into consideration. The learned Single Judge observed that the contention of the appellant that such condition is curable and non-communicable, even if accepted, cannot by

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[5] ***Staff Selection Commission & Ors. v. Aman Singh [W.P.(C) 13821/2024, CM APPLs. 57902/2024 & 57904/2024]***

itself render the decision of the Medical Board arbitrary or biased or actuated by *mala fide* intention. It was highlighted by the learned Single Judge that the standards of medical fitness for recruitment to the CAPFs are necessarily stringent, having regard to the nature and duties to be discharged.

28. Although the learned Single Judge further observed that it is within the domain of the expert medical authorities to assess the overall fitness of a candidate including the possibility of re-occurrence and the impact of the condition of the service requirement, there is no indication of the possibility of re-occurrence in any of the reports concerning the appellant. However, such reasoning was in addition to what the learned Single Judge otherwise held and cannot, by itself, vitiate the impugned.

29. Learned Single Judge further proceeded on the premise that medical certificates produced by the appellant from private and other hospitals indicating absence of the disease cannot override the finding of the duly constituted medical boards conducted as a part of the medical process. The above view is one of the plausible views in the circumstances of the case and there is little or no scope to interfere with the same within the limited confines of an intra-court appeal.

30. The question as to whether the appellant was actually referred by the Review Board to MJN is irrelevant since the Review Medical Board, in any event, referred to the opinion of the dermatologist of MJN. The highlights of the said report as per the appellant are that the fungal infection from which the appellant was suffering was curable and non-communicable. However,

curability and non-communicability are not mitigating factors in terms of Clause XIII of the governing Guidelines.

31. It is to be noted that both the initial report of the Medical Board and the Review Medical Board report indicated the severity of the skin infection on the perineum and genital area of the appellant, spreading to the buttocks, which comes squarely within the parameter provided in sub-clause 3(a) of Clause XIII of the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles.

32. Moreover, since the respondent-Authorities, who are the best judges of the parameters on which they induct their constables, particularly keeping in view the rigorous nature of services and stringent standards to be maintained in disciplined forces, the final call as to eligibility of candidates falls squarely within the domain of discretion exercisable by the respondent-Authorities.

33. In the present case, the principles of natural justice have not been violated in any manner. Rather, the appellant was given an opportunity of having a review medical examination and only thereafter the initial finding of the Medical Board was affirmed by the Review Medical Board. The procedure adopted by the respondents in conducting the examination cannot be faulted in any manner. No conceivable ground of malice or bias against the petitioner in particular has also been pleaded or made out.

34. The perception of the respondents that the appellant was ineligible as per the governing Guidelines cannot, thus, be faulted. Merely because another view is possible on the materials on record, which is different from the

conclusion of the respondent-Authorities and the learned Single Judge in the impugned judgment, does not furnish sufficient ground for interference in an intra-court appeal. It has to be kept in mind that in a Letters Patent/Intra-Court/Mandamus Appeal, it is the High Court which is sitting in judgment over itself, the difference being only in the constitution of the number of Judges comprising the Bench which passed the first order and the Appellate Bench. Thus, the standards of interference in such an appeal are much higher than an ordinary challenge before an appellate authority.

35. In view of the above discussions, this Court is of the opinion that the impugned judgment does not call for any interference.

36. Accordingly, MAT No.45 of 2026 is dismissed on contest, thereby affirming the impugned judgment dated March 24, 2026 passed in WPA No.2574 of 2025.

37. Consequentially, IA No: CAN 2 of 2026 is also dismissed.

38. There will be no order as to costs.

39. Urgent certified copies of this judgment, if applied for, be supplied to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)