GAHC010281572025

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

**Case No. : WP(C)/7448/2025**

FIRDUS ALOM
S/O- MOHAR ALI VILL- BORBILA PART-2 P.O.- HOWRARPAR P.S.- DHUBRI
DIST.- DHUBRI, ASSAM PIN. 783324.

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY ITS SECRETARY, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES PENSIONS, DEPARTMENT OF PERSONNEL TRAINING, GOVT. OF INDIA, NORTH BLOCK, NEW DELHI-110001.

2:THE STAFF SELECTION COMMISSION
REPRESENTED BY ITS SECRETARY
BLOCK NO. 12
CGO COMPLEX
LODHI ROAD
NEW DELHI-110003.

3:THE REGIONAL DIRECTOR (NER) STAFF SELECTION COMMISSION

HOUSEFED COMPLEX
ASSAM
DISPUR
GUWAHATI06.

4:THE DIRECTORATE GENERAL
CRPF RECRUITMENT BRANCH
EAST BLOCK07
LEVEL-4
SECTOR-01
R.K.PURAM
NEW DELHI-110066.

5:THE PRESIDING OFFICER
CT/GD RECRUITMENT EXAM
2025 RECRUITMENT BOARD
CRPF GUWAHATI AMERIGOG
GUWAHATI
ASSAM
781023

6:THE PRESIDING OFFICER
REVIEW MEDICAL EXAMINATION BOARD-2
CT/GD EXAM-2025 CENTRE-CAPFS CH BSF
PATGAON
GUWAHATI
ASSAM
781023

**Advocate for the Petitioner** : MD. S ALI, MR. R I DEWAN,MR T T MONI,MR. A M KHAN

**Advocate for the Respondent** : DY.S.G.I., SC, HEALTH AND F W,MS. B SARMA (C.G.C)

**BEFORE**
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**07.10.2026**

Heard Shri A.M. Khan, learned counsel for the petitioner. Also heard Ms. B. Sarma, learned CGC for all the respondents.

2. Considering the subject matter and also the fact that pleadings have been exchanged, the instant writ petition is taken up for disposal at the admission stage.

3. As per the facts projected, a recruitment was conducted vide notice dated 05.09.2024 for filling up posts of Constable / GD in Central Armed Police Forces (CAPFs). The petitioner claims to have qualified in the written computer based

examination and appeared in the Physical Standard Test (PST) and Physical Efficiency Test (PET) and was successful in all the examinations. Thereafter, the petitioner had undergone Detail Medical Examination (DME) where his candidature was rejected on two grounds namely Deformity in TM Perforation Both Ears & Glandular Hypospadias. The petitioner, being unsatisfied had prayed for a review of the medical examination which was accordingly conducted. In the review medical examination while the deformity for Glandular Hypospadiaswas held to be within limit, the petitioner was held to be unfit on the ground of Left tympanic membrane central perforation.

4. The petitioner had examined himself in the GMCH and he is relying upon a finding made on 04.12.2025 wherein he was declared fit in all respects. Thereafter, the petitioner had approached this Court.

5. Shri Khan, the learned counsel for the petitioner has referred to an order dated 25.05.2026 passed by this Court wherein there was a direction for re-examination of the petitioner by a Board to be constituted by the GMCH.

6. Pursuant thereto, a Board was constituted and the petitioner was examined on 02.06.2026 resulting in an opinion by a Three Member Board. The learned counsel has submitted that the Board has found the petitioner to be fit. Under those circumstances, the learned counsel has submitted that there is no impediment in appointing the petitioner as he is fit in all respects.

7. On the aspect of any delay, the learned counsel has submitted that though the DME was conducted on 07.11.2025, shortly thereafter, he had examined himself in the GMCH, which has found him fit on 04.12.2025. A similar stand of fitness has also been found by the Three Member Committee in its opinion

dated 02.06.2026.

8. *Per contra*, Ms. Sharma, the learned CGC, has submitted that no fault can be attributed to the respondents in the impugned action. She has contended that in the DME, though the petitioner was found to be unfit on two grounds, in the review examination, though one of the grounds was held to be not applicable, the Review Board had held that the petitioner had suffered from one deformity namely, *left tympanic membrane central perforation*. She has submitted that the finding by the doctor of the GMCH dated 04.12.2025 cannot be wholly relied upon and the opinion of the Three Member Board which has been constituted pursuant to the order of this Court would show that the petitioner, though found to be fit, had 'Healed perforation'. In this connection, she has given an illustration that a person who may be suffering from BP issues or is overweight during the time of recruitment may reduce his weight or get cured of the BP issues at a later stage which will not make him eligible for being appointed in the recruitment which is already over. She has also contended that all the vacancies have been filled up and there being no interim order, there is no scope to grant any relief to the petitioner.

9. The rival contentions advanced in the Bar have been duly considered and the materials placed before this Court have been carefully examined.

10. The DME indicates that the petitioner was found unfit with two deformities which have been indicated above. In the Review Medical Board Examination held on 21.11.2025, one deformity was still found to be intact. Though the petitioner is relying upon a finding by the Guwahati Medical College dated 04.12.2025 that he is medically fit, the same is only a version projected by the petitioner which is disputed by the respondents. Under those circumstances, this

Court vide order dated 25.05.2026 had directed examination of the petitioner by a Board to be constituted under the aegis of the GMCH.

11. Pursuantto such direction, a Board was indeed constituted which had examined the petitioner on 02.06.2026. Though the Three Member Board had come to a finding that the present hearing status for both the ears are within normal limits, the finding also records that the right-sided tympanic membrane is intact and thin (Healed Perforation) and the left-sided tympanic membrane is intact. For ready reference, the relevant part of the finding by the Board dated 02.06.2026 are extracted herein below:

> "*On assessment by clinical methods, Oto-endoscopy and Impedance Audiometry it has been found that the right sided tympanic membrane is intact and thin (Healed perforation) and left sided tympanic membrane is intact.*
>
> *His present hearing status for both the ears are within normal limits."*

12. From the materials on record, it becomes clear that though the petitioner who was examined subsequently on 02.06.2026 by a Board of the GMCH has found him fit, there is a finding that there was a healed perforation which would mean that there was indeed a deformity /deficiency which was healed in the meantime. Under those circumstances, it would be difficult on the part of this Court to come to a definite conclusion that the rejection of the petitioner in the Detail Medical Examination and the Review Medical Examination were done in a perfunctory or casual manner. Further, there is no allegation of any bias or *mala fide* made by the petitioner and no such ingredients also appear from the materials on record.

13. While this Court is of the opinion that though the present condition of the

petitioner may be deemed to be fully fit, the condition on the date when he had appeared in the Detail Medical Examination and Review Medical Examination would be relevant and the findings arrived at do not appear to be unreasonable or arbitrary and rather based on the materials on record. This Court has also taken note of the aspect that there was no interim order passed in this proceeding which could have led to any scope to grant some relief to the petitioner. The learned CGC has also informed this Court that there are no vacancies and the recruitment which was initiated in the year 2022 having come to an end, it would otherwise also not be proper to make any direction for considering the case of the petitioner.

14. Under those circumstances, no relief can be granted to the petitioner and the writ petition accordingly stands dismissed.

**JUDGE**

**Comparing Assistant**