29.09.2026
Item No.01
Court No.11
KCP

FMA 526 of 2026
with
IA No.CAN 1 of 2026

Subhomoy Das
- Versus -
The Union of India & Ors.

Mr. Pritam Chowdhury
Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu
...for the appellant

Mr. Ram Chandra Agarwal
Mr. Jasojeet Mukherjee
...for the UoI/Respondents

The present appeal has been preferred by the writ petitioner/appellant herein, namely, Subhomoy Das (in short, Subhomoy) challenging an order dated 19th March, 2026 passed by the learned Single Judge in the writ petition being WPA 28697 of 2025.

Records reveal that Subhomoy participated in the selection process for appointment to the post of Constable (GD) in Central Armed Police Forces (CAPFs) and SSF, Rifleman (GD) in Assam Rifles, and Sepoy in Narcotics Central Bureau. As he fulfilled all the requisite criteria and also emerged to be successful in the recruitment examination and the physical efficiency test/physical standard test, he was asked to appear before the Detailed Medical Examination Board (in short, DME) and upon medical examination, he was found to be unfit due to *'Defective Distant Vision, left Ear Wax, Left C.A. < 10'*. Aggrieved thereby, he applied

for a Review Medical Examination. The Review Medical Examination Board (in short, RME), upon examining Subhomoy declared him to be unfit only on the ground that the Carrying Angle of his left elbow was found to be 21.6 degree. In the said conspectus, the learned Single Judge refused to exercise discretion in favour of Subhomoy observing *inter alia* that *'the standard of fitness of a civilian is not the same as required in the armed forces where strict and stringent methods to assess physical fitness are resorted to'*.

Drawing our attention to the Guidelines for Review Medical Examination in Central Armed Police Forces and Assam Rifles for GOs and NGOs (hereinafter referred to as the said guidelines), Mr. Chowdhury, learned advocate appearing for Subhomoy submits that the carrying angle is normally required to be 10 degree to 15 degree in males and 15 degree to 20 degree in females, however, candidates with carrying angle up to 20 degree may be accepted if the same is not associated with abnormality of elbow joint. The DME found Subhomoy's carrying angle in left elbow to be less than 10 degree whereas the RME found such carrying angle in left elbow to be of 21.6 degree. Such inconsistency has not been explained and on the contrary, the medical reports submitted by Subhomoy from the Department of Health and Family Welfare would reveal that such carrying angle was found to be normal 10 degree to 15 degree and radiologically he

was medically fit for CRPF, Ministry of Home Affairs. Subhomoy also approached the Gouri Devi Institute of Medical Sciences and Hospital and upon examination, the authorities of the said hospital found his left carrying angle to be 13 degree. In the said conspectus, the learned Single Judge ought not to have dismissed the writ petition.

Mr. Agarwal, learned advocate appearing for the respondents, however, submits that an expert body had found Subhomoy to be unfit and the learned Court cannot sit in appeal over such expert opinion. Following the said guidelines, the RME took an opinion from one Gouri Devi Institute of Medical Sciences and Hospital, Durgapur. The authorities of the said hospital upon examining Subhomoy also found the left carrying angle to be 21.6 degree which does not come within the permissible range.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The DME in its report dated 25th November, 2025 found Subhomoy to be unfit for three reasons. The RME, however, rejected his claim only for the reason that the carrying angle in his left elbow was 21.6 degree. The said guidelines provide *inter alia* that in case of any doubt, the RME itself may obtain opinion of concerned specialist or super specialist of Government Medical College and Hospital. In the opinion of the

authorities of Gouri Devi Institute of Medical Sciences and Hospital, Durgapur, when approached by the respondents, the carrying angle of Subhomoy's left elbow was found to be 21.6 degree whereas the same authorities found such angle to be 13 degree when Subhomoy approached them. In the said conspectus, as it is apparent from the records and the clinical findings that there is a difference in the left carrying angle of Subhomoy, the issue ought to have been referred to another independent medical institute for ascertainment of Subhomoy's left carrying angle.

For ascertainment of the issues as discussed above and for the interest of justice, Subhomoy needs to be examined by an independent authority.

Accordingly, the order impugned in the present appeal is set aside and the Executive Director of All India Institute of Medical Sciences (AIIMS), Kalyani, Nadia, West Bengal, being one of the premier institutes of the Country, is directed to constitute a Medical Board and to examine Subhomoy. Upon such examination, the Medical Board through the Executive Director of AIIMS shall forward a report to the respondent nos.2 and 3 within a period of eight weeks from date.

The Executive Director of AIIMS shall intimate the date of examination, as scheduled, to Subhomoy. The said date of examination shall also be intimated to the respondent no.3 so that a representative of the

respondents may also be present during the examination.

We further direct that, in the event, upon examination by AIIMS, it is found that the left elbow carrying angle of Subhomoy is within the range as prescribed in the said guidelines, all follow up steps shall be taken by the respondents towards grant of appointment to Subhomoy in an appropriate post within a period of six weeks after the examination report from AIIMS is received by the respondents.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Pratim Roy, J.) **(Tapabrata Chakraborty, J.)**