

25.09.2026
Item No.06
Court No.11
KCP

**FMA 345 of 2026
with
IA No.CAN 1 of 2026**

**Jhantu Sarkar
- Versus -
The Union of India & Ors.**

Ms. Tanuka Basu
Mr. Tanmoy Chakraborty
...for the appellant

Mr. Smarjit Roy Chowdhury
...for the Union of India

The present appeal has been preferred by the writ petitioner/appellant herein, namely, Jhantu Sarkar (in short, Jhantu) challenging a judgment dated 21st January, 2026 passed by the learned single Judge in a writ petition being WPA 29359 of 2025. The said writ petition was preferred challenging *inter alia* a report of the Detailed Medical Examination Board (in short, DME) dated 1st December, 2025 and a report of the Review Medical Examination Board (in short, RME) dated 4th December, 2025.

Mr. Chakraborty, learned advocate appearing for Jhantu submits that Jhantu was declared unfit by DME on the ground '*tattoo right forearm*'. Aggrieved thereby, he approached the RME but the said Board also found him unfit on account of '*tattoo and superficial burn present*'.

Drawing our attention to the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles (in short, the said guidelines), Mr. Chakraborty submits that in the event the candidate has a scar mark or any other chronic skin disorder, his candidature cannot be rejected outright without any formation of opinion as to whether the candidate requires frequent outpatient treatment or hospitalization and as to whether the scar mark would interfere with the wearing of combatised clothing more so when such scar mark or the burn injury, in terms of Clause 8(15) of the said guidelines, if less than 40% of total body surface area, would not be a disqualification.

Mr. Roy Chowdhury, learned senior advocate appearing for the respondents, however, denies and disputes the contention of Mr. Chakraborty and submits that under Clause 11(3) of the said guidelines, a person having a tattoo mark on the right forearm being the saluting limb would be a disqualification for appointment. Jhantu admittedly had a tattoo mark on right forearm and upon examination, he was rightly declared unfit by DME. As removal of such mark left a burn injury on the right forearm, Jhantu was rightly declared unfit by the RME. In view thereof, the learned single Judge

rightly did not exercise discretion in favour of Jhantu.

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

Clause 11(3) of the said guidelines provides that *‘tattoos marked on traditional sites of the body like inner aspect of forearm, but only LEFT forearm, being non saluting limb or dorsum of the hands are to be allowed’* and *‘the size of such tattoo mark must be less than ¼ of the particular part (Elbow or Hand) of the body’*. Clause 11(4), however, provides that in respect of the cases indicated in the said clause, there would be a duration for fitness ranging from one month to six months. Jhantu admittedly had a tattoo mark on the right forearm and he removed the said tattoo by undergoing therapy subsequent to DME and when he appeared before the RME, he had no tattoo mark save and except *‘a superficial burn’*. The guidelines also provide for a healing period in respect of the disabilities incorporated in Clause 11(4) ranging from 1 month to 6 months. However, in respect of *‘a superficial burn’* occurred due to removal of tattoo, no healing period has been provided. *Prima facie*, the said issue, as urged, was glossed over by the learned single Judge and no finding was returned on the same.

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

Accordingly, we direct the Executive Director of All India Institute of Medical Sciences (AIIMS), Kalyani, Nadia, West Bengal being one of the premier institutes of the Country to constitute a Medical Board with a dermatologist and to examine Jhantu. Upon such examination, the Medical Board through the Executive Director of AIIMS shall file a report before this Court expressing an opinion on the following issues:

- i. Whether the burn injury existing on the right forearm of Jhantu would be a permanent mark?
- ii. Whether such a burn mark would heal completely leaving no burn mark on the forearm and if so, the approximate time that would be required for such healing?

The above exercise shall be completed by the end of the month of October, 2026 and the Executive Director of AIIMS shall file a report before this Court on the returnable date.

The Executive Director of AIIMS shall intimate the date of examination, as scheduled, to Jhantu. The said date of examination shall also be intimated to the Deputy Inspector General (Communication) for IG, BSF, South Bengal Ftr., so that a

representative of the respondents may also be present during the examination.

List the matter for further consideration in the daily supplementary list of this Court on 17th November, 2026.

(Partha Pratim Roy, J.)

(Tapabrata Chakraborty, J.)