

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

(Through VC)

**LPA No. 59/2026
CM No. 2057/2026
CM No. 2058/2026**

Khursheed Ahmad

.....Appellant(s)

Through:
Mr. Nitin Verma, Advocate

Versus

Union of India and Ors.

.....Respondent(s)

Through:
*Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC*

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE**

ORDER
15.04.2026

Per Oswal 'J'

01. The appellant had filed a writ petition bearing SWP No. 185/2016, for commanding the respondents to recruit him as Solider General Duty (GD) with all consequential relief of pay, allowances and seniority on the ground that he had successfully undergone all the physical strenuous standard tests conducted by the respondent No. 3, and on successful completion of medical examination, he was issued admit card for appearing in written examination on 01.02.2015. He was declared successful and thereafter was sent to Military Hospital 150 GH, Rajouri for medical examination, but thereafter he was informed that he had been medically rejected. The appellant claims

that false medical examination was conducted by the Single Doctor at Military Hospital 150 GH, Rajouri.

02. The respondents in their response admitted that the appellant figured in the merit list, published in Hindi Daily Punjab Kesari on 06.03.2015 and as per the policy, re-medical examination was to be carried out post 180 days expiry from the date of initial medical examination and as such, re-examination of the appellant was conducted on 22.05.2015, wherein the appellant was diagnosed to be suffering from “Cubitus Valgus” and “Bifid Urethra”. The appellant was referred to SRMO, HQ Rtg Zone, Jalandhar, who further referred the appellant for opinion of Medical Specialist at 150 General Hospital, Rajouri. At 150 General Hospital Rajouri on 06.06.2015, the appellant was declared fit for disability “Cubitus Valgus”, but unfit for “Bifid Urethra” by Surgical Specialist and, accordingly, he was not found to be fit to be recruited in the Army.

03. Learned writ Court after considering the contention of the rival parties, dismissed the writ petition SWP No. 185/2016. This is how the appellant has come up with this Intra-Court Appeal against the order dated 19.01.2026, passed in the above-mentioned writ petition, on the ground that the appellant could not have been rejected on account of suffering from “Bifid Urethra”.

04. Heard learned counsel for the parties and perused the record.

05. It is not the case that the appellant was not suffering from any disability, as projected by him in the writ petition, rather the respondents in their response have categorically taken all the care to ensure that the proper medical opinion with regard to the appellant was obtained and that is why he

was referred to Specialist also. It is for the employer to see the suitability of the candidate, particularly when he is suffering from some ailment and the writ Court cannot sit as a Court of appeal to examine subjective satisfaction recorded by the employer with regard to suitability of the candidate for employment, particularly when there is sufficient material before the employer to reject the claim of the candidate.

06. We have examined the order passed by the learned writ Court, we find that the learned writ Court has rightly considered the controversy at hand and there is neither any illegality nor impropriety in the order dated 19.01.2026, passed by the learned writ Court in SWP No. 185/2016.

07. In view of the above, we do not find any merit in the appeal. Accordingly, we **dismiss** this appeal along with all connected CM(s).

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar

15.04.2026

"Mohammad Yasin Dar"

Whether the order is reportable: Yes/No.