

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C) .No. 2123 of 2015 (M)

PETITIONER:

VISHNUPRIYA.S.

D/O. SRI.RAJENDRANADHAN PILLAI, "SREYAS", T.K.M.C.P.O.
PERROR, KOLLAM DISTRICT, KERALA-691 005.

BY ADV. SRI.V.K.SATHYANATHAN

RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF DEFENCE
SOUTH BLOCK, NEW DELHI-110 001.
2. THE ADJUTANT GENERAL
ADJUTANT GENERAL'S BRANCH, DGMS (ARMY) /DGMS-4B
INTEGRATED HEAD QUARTERS MINISTRY OF DEFENCE (ARMY)
DHQ P.O., NEW DELHI-110 011.
3. THE DIRECTOR AND COMMANDANT
ARMED FORCES MEDICAL COLLEGE, PUNE-410 040.
4. THE PRINCIPAL
COLLEGE OF NURSING, AFMC, PUNE-410 040.

R BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 2123 of 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE HEALTH RECORD SHEET PERTAINING TO THE PETITIONER FOR THE 4 YEARS.

P2 : COPY OF THE LETTER NO.29537/DG AFMS/MNS 2586/D(MED)
DTD.17.6.1988.

P2(A) : COPY OF THE ARMY INSTRUCTION 3/98.

P3 : COPY OF THE PASSING CERTIFICATE OF B.SC NURSING DTD.26.8.2013.

P4 : COPY OF THE LETTER NO.3802/NSG/189B/2013 DTD.16.9.2013 ALONG
WITH APPEAL FILED BY THE APPLICANT.

P5 : COPY OF THE LETTER NO.B/69052/DGMS-4B DTD.17.2.2014.

P6 : COPY OF THE MOVEMENT ORDER DTD.18.2.2014.

P7 : COPY OF THE EXPERIENCE CERTIFICATE DTD.3.3.2014 ISSUED BY THE
PRINCIPAL AFMC PUNE.

P8 : COPY OF THE APPRECIATION LETTER DTD.6.3.2014 ISSUED BY BRIGADIER
SHOK SAXENA.

P9 : COPY OF THE REPRESENTATION DTD.6.2.2014 FILED BY THE PARENTS OF
THE PETITIONER.

RESPONDENT(S) ' EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

SCL.

A. MUHAMMED MUSTAQUE, J.

W.P.(C) No.2123 of 2015

Dated this the 21st day of January, 2015.

JUDGMENT

The petitioner has approached this Court being aggrieved by the invalidment from the service after completing the training for commissioning in the Military Nursing Service. The petitioner submitted that for the purpose of admission as a Nursing Cadet in the college of Nursing in AFMC, Pune, she underwent training without any difficulties. It is also submitted that the detailed medical examinations were conducted at Command Hospital (Air Force), Bangalore and no adverse remarks against the petitioner. However, she was not called for the ceremony of commissioning. The petitioner was told that some medical disability was there and therefore, she is liable to be invalided out of service. The petitioner submitted that her ailment was described as Dorsal Spine Scoliosis that was revealed during chest X Ray.

2. Aggrieved by that finding, the petitioner approached

the second respondent by Ext.P4. The only request made by the petitioner before this Court is for an early disposal of Ext.P4. The appeal appears to have been on 16.9.2013 as revealed from Ext.P4.

In view of the above, appropriate decision shall be taken in the matter, after affording an opportunity of being heard to the petitioner by the second respondent, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
A. MUHAMMED MUSTAQUE
JUDGE

Scl.