

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39281 of 2015 (I)

PETITIONER :

**ANJIT A. NAYAR, AGED 18 YEARS, S/O. ATHUL IP,
NIVEDIYAM, MACHEL P.O., MALAYINKEEZHU,
TRIVANDRUM - 695571.**

**BY ADVS.SRI.M.R.SUDHEENDRAN
SRI. D.N.KRISHNAN NAIR**

RESPONDENTS :

- 1. THE DIRECTOR GENERAL OF RECRUITING,
DIRECTORATE OF NDA, ARMY HEAD QUARTERS,
ADJUTANT GENERAL BRANCH, WEST BLOCK III,
R.K. PURAM, NEW DELHI -110066**
- 2. THE DIRECTOR GENERAL OF AFMS, ROOM NO. 60,
MINISTRY OF DEFENCE, M-BLOCK, CHURCH ROAD,
CONNAUGHT PLACE, NEW DELHI -1**

**R1 & R2 BY ADV. SRI.M.RAJENDRA KUMAR, CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 39281 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE RELEVANT PORTION OF THE RANK LIST.

P2: COPY OF THE DISCHARGE CERTIFICATE.

P3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

K. VINOD CHANDRAN, J

W.P(C) No. 39281 of 2015

Dated this the 23rd day of December, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's candidature in the National Defence Academy and the Naval Academy Examination 2015, has been rejected for medical reasons. The petitioner admits that he had appeared before a Special Medical Board held on 30.9.2015 when he found to be afflicted with three medical conditions which prompted the respondent authorities to reject his candidature. They were: (1) Rt. Testicular atrophy (2) Bilateral varicocele (3) Small Rt. Testes (4) Epididymal cyst (right). The petitioner contends that though he had conducted a scan, by himself, the scan report did not show any Epididymal cyst and varicocele. However, in the Appeal Medical Board also, he was found to have three of the aforementioned medical conditions.

2. The learned counsel for the petitioner submits that

instead of Epididymal cyst the Appeal Medical Board found the Epididymal thickening. A Review Medical Board is also constituted, in which again, the Epididymal cyst was revealed on medical examination.

3. In any event, the petitioner admits that he had removed the Epididymal cyst as is evidenced from Ext.P2. Hence it cannot be said that the petitioner did not suffer from any medical condition which was brought to his notice as early as on 30.09.2015 when the Medical Board was initially conducted. The petitioner without attempting to remove the cyst had conducted test by himself and again appeared before the Appeal Medical Board which also found Epididymal thickening, and again in the Review Medical Board, the cyst was confirmed.

4. The petitioner does not state before this Court as to the date on which the Appeal Medical Board or the Review Medical Board were constituted or the petitioner examined. The petitioner had sufficient time to remove the cyst before the appeal

and the review. In any event, the petitioner submits that now by surgical intervention, the medical conditions have been rectified.

The learned Central Government Counsel on instruction submits that the entire selection process is over and the course is to commence on 02.01.2016. The petitioner had sufficient time to cure the medical conditions before the appeal and review board, which he did not do and maintained on the basis of a test initiated by himself, that he did not have the medical conditions. Eventually the medical condition had to be rectified with surgery and by that time, the entire selection procedure is over. The learned CGC submits that there cannot be a review of a review medical board. By sheer passage of time the petitioner is disentitled to any relief.

Writ petition is dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge