

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

CWP-11584-2014(O&M)

Date of Decision: February 05, 2015

Sonu KumarPetitioner

vs.

UOI and othersRespondents

CORAM HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present Mr.Wazir Singh, Advocate for the petitioner.
Ms. Anita Balyan, Advocate for respondents.

RAMESHWAR SINGH MALIK, J(Oral)

In compliance of the order dated 04.12.2014 passed by this Court, Director, PGIMER, Chandigarh has furnished the medical report dated 13.01.2015 which is available on page 21 of the paper book.

Learned counsel for the petitioner submits that the only medical deficiency pointed out in the petitioner was CSOM (Chronic Suppurative Otitis Media) left ear. Learned counsel for the petitioner further submits that let respondent authorities be directed to reconsider the claim of the petitioner, in view of the latest medical report dated 13.01.2015 submitted by the Director, PGIMER, Chandigarh.

Despite having passed over twice waiting for the learned counsel for the respondents, when none appeared, Ms. Anita Balyan, Advocate duly authorised by learned Assistant Attorney General of India, appeared and assisted the Court on behalf of the respondents, on the asking of the Court.

Heard learned counsel for the parties.

Report of medical board dated 13.01.2015 submitted by Director, PGIMER, Chandigarh reads as under:-

“ **Report of Medical Board**

A medical Board of the undersigned members was constituted vide order No. EV(9)PGI-MS/MA-63/2014 dated 22.12.14 to evaluate Sh.Sonu Kumar s/o Sh.Inder Singh on the orders of Hon'ble Punjab and Haryana

High Court. The said patient had applied for recruitment in ITBP and was rejected on medical grounds citing the following objections:-

- 1. Ear discharge*
- 2. Carrying angle of upper limbs*
- 3. Lesser dental points*

The said patient was evaluated in detail with the requisite medical investigations viz a viz the points mentioned in the rejection slip. The findings of the board are as follows:

- 1. The examination of the ears revealed normal hearing and no abnormality;*
- 2. The carrying angle of the elbows in the upper limbs was 10 degrees, which is in the normal physiological range;*
- 3. Dental examination revealed missing dental point 37 and PFM bridge for 37 using 36, 38 as abutment.*

*Sd/-
Dr.Sharad Prabhakar
Member*

*Sd/-
Dr.Sarabjot Kaur
Member*

*Sd/-
Dr.Navin Pandey
Convener*

*Sd/-
Dr.Ramandeep S.Virk
Chairman”*

Having heard the learned counsel for the parties at considerable length and keeping in view the peculiar facts and circumstances of the case noted above, The Director General Indo Tibetan Border Police - respondent no.2 is directed to look into the matter, consider the claim of the petitioner, which *prima facie* seems to be genuine, in view of the above said medical report dated 13.01.2015 submitted by the Director, PGIMER, Chandigarh. Let respondent no.2 pass an appropriate order at an early date, strictly in accordance with law but in any case within a period of two months from the date of receipt of certified copy of this order.

This Court hopes and trusts that the respondent no.2 shall further proceed dispassionately and shall pass an appropriate order, strictly in accordance with law.

With the above said observations made and directions issued, present writ petition stands disposed of.

05.02.2015

mamta

(RAMESHWAR SINGH MALIK)

JUDGE