

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.17755 of 2012 (O&M)

Date of decision: September 17, 2015

Harsimranjeet Singh

...Petitioner

Versus

Union of India and others

...Respondents

Coram: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Ms.Sunita Nambiar, Advocate for
Mr.Balkar Singh, Advocate for the petitioner.

Mr.O.P.Dabla, Sr.Panel Counsel for
Union of India.

HARINDER SINGH SIDHU, J.

In the year 2011, the petitioner applied for the post of Assistant Commandant in Central Police Forces, appeared in the written Examination in September, 2011 under Roll No.090358 and on 30.5.2012, he was declared to have qualified the same. He was called for Physical Efficiency Test followed by Medical Examination, which was held on 23.6.2012 at Jalandhar Cantt. He qualified in the Physical Efficiency Test. But, he was found temporarily unfit in the Medical Examination conducted on 25.6.2012 at CH(BSF) Jalandhar because of abnormality of short great toes of both feet and halus valgus of both great toes and was overweight by 4 kilogram.

Thereafter, the petitioner got himself medically examined from Dr.Surjit Singh, M.S.(Ortho), SMO, Bharatgath (Ropar), who

vide report dated 27.6.2012 (Annexure P-7) declared him medically fit for the post of Assistant Commandant and held that opinion of the Presiding Officer of Respondent's Medical officer (Annexure P-5) was an error of judgment. The petitioner also got himself examined at PGIMER, where, vide report dated 2.8.2012 (Annexure P-8), it was opined that the said deformity was not liable to cause any physical disability to the petitioner.

Vide letter dated 11.7.2012, the petitioner was called by respondent No.2 to appear in the Review Medical Examination by the Appellate Authority held on 28.7.2012 at Composite Hospital, Chandigarh, which also declared him unfit by verbal communication. The petitioner represented to respondent No.2 for medical re-examination, in response to which, vide order dated 23.8.2012 (Annexure P-8), he was informed that no representation lies against the findings of Review Medical Examination. It is this order, which has been assailed in the present writ petition.

Considering the contradictory opinions regarding the medical examination of the petitioner, this Court on 19.9.2013 had passed the following order:-

"In the circumstances, Ms.Gurna, learned counsel appearing for the respondents has very fairly stated that the petitioner would be examined by expert Doctors from the Command Hospital, Chandimandir. Those Doctors are requested by this order to examine the petitioner's condition to reconcile the variance in medical opinions available on record and to state whether the medical condition detracts from a career in the army or in the

Paramilitary Forces. The petitioner had applied for the post of Assistant Commandant in Central Police Force and participated in the selection process till he was declared medically unfit for the reason afore-stated.

Let the expert Doctors at the Command Hospital, Chandimandir examine the petitioner and submit a report to this Court on or before the next date of hearing.”

Pursuant to the above directions, the petitioner was re-examined by the Board of Doctors at Command Hospital, which has submitted its report dated 22.10.2013 (Annexure A-1), according to which, the petitioner was found “unfit for short both Great Toes of feet and Halux Valgus both Feet”.

In view of the report of the Board of Doctors of the Command Hospital, no relief can be granted to the petitioner. Hence, this petition is dismissed.

September 17, 2015

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**(HARINDER SINGH SIDHU)
JUDGE**