

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

CWP No.18817 of 2015

Date of decision: September 21, 2015

Sarpreet Singh

...Petitioner

Versus

Union of India and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Vinod Kumar, Advocate for the petitioner

HARINDER SINGH SIDHU, J.

Notice of motion.

Mr. Brijeshwar Singh Kanwar, Sr. Standing Counsel, present in Court, accepts notice on behalf of the respondents.

In response to the advertisement issued by the respondents, the petitioner applied for the post of General Duty (GD) Soldier in Army during the open rally in the month of July 2014. He cleared the physical test, written test and also the medical test and was declared fit. Thereafter, the medical re-examination of the petitioner was conducted on 19.02.2015 wherein he was declared to be medically unfit and thus, was not issued any appointment letter.

On information being sought under the Right to Information Act, 2005, the petitioner received reply vide letter dated 06.05.2015 wherein it was indicated that the petitioner was found unfit with diagnosis 'Cardia Murmur (Pulmonary area)' and 'Split Heart Sound'.

The petitioner got himself examined from a private hospital and subsequently from the PGI Chandigarh on 01.06.2015, as per which no medical infirmity was found. The petitioner states that he had earlier also applied for various posts in the Indian Army and found medically fit.

Learned counsel for the petitioner relies on decisions of this Court in **Jaswinder Singh vs. Union of India and another CWP No.27398 of 2013, decided on 27.02.2015** and **Raju vs. Union of India and ors., LPA No.654 of 2015 decided on 19.05.2015** wherein this Court had directed the authorities to constitute a Review Medical Board to reconsider the medical fitness of the petitioner or they may verify the original medical certificates relied upon by the petitioners.

In view of the aforesaid, this writ petition is disposed of with a direction to respondent no.3 to re-examine the medical fitness of the petitioner either by constituting a Review Medical Board or by verifying the original medical certificates relied upon by the petitioner. Let an appropriate decision in this regard be taken within one month and if the petitioner is found medically fit, desirability of offering him appointment shall also be considered within one month thereafter.

Order Dasti.

21.09.2015
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(Harinder Singh Sidhu)
Judge