

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

C.W.P. No.9395 of 2015

Date of Decision : 13.05.2015

Navpreet Singh

..... Petitioner

versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has prayed for a direction to the respondents to conduct his review medical examination.

The petitioner had applied for a job of Constable (GD) in BSF. However, he was declared medically unfit on the ground of underweight and having some problem in his vision. He applied for review medical examination but alleges that the letter dated 20.02.2014 asking him to report on 10.03.2014 for review medical examination reached him only on 22.04.2014 and that is why he could not appear for the review medical examination on 10.03.2014. He thereafter sent a legal notice to the respondents to conduct his review medical examination. Para 5 of the reply

to the legal notice is to the following effect:-

“Moreover, it was clearly mentioned in the Appeal Form handed over to plaintiff that candidates may affix stamp of Rs.25.00 (on envelope sent with appeal), if he desires that call letter for Review Medical Examination be posted through registered post and Department would not be responsible for any postal delay. Despite of above instructions, an appeal of Review Medical Examination was received by this HQ from plaintiff with an self addressed envelope affixing stamp of Rs.5/-. Hence, Department may not be held responsible by plaintiff for late receipt of call letter for RME. Since, plaintiff has not followed the instructions, he is responsible for the late receipt of call letter of RME as this HQ has sent call letter of RME to plaintiff in the same envelope received from him affixing stamp of Rs.5/-.”

It is in these circumstances that the BSF authorities have decided not to conduct the review medical examination of the petitioner since, during this interregnum selection has been finalized and, in case the petitioner is to be accommodated then somebody else has to make way for him. In the circumstances, I find no fault with the action of the respondents.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 13, 2015

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**(AJAY TEWARI)
JUDGE**