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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7250/2015 & CM No. 13311/2015**

ROOP KISHORE

..... Petitioner

Through: Mr. Vinod K. Singh, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Anil Soni, CGSC alongwith Mr.
Naginder Benipal, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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01.09.2015

The petitioner's grievance is that he was declared medically unfit by the Board which considered his candidature for the post of Airman in the Indian Air Force (IAF).

On 09.09.2012, the petitioner appeared in the recruitment process for enrolment with the IAF. He was medically examined on 05.12.2012 and was declared fit. Subsequently, when he was asked to report for duty on 10.09.2013, he was again examined - this time however, he was declared unfit and found to be suffering from "Chronic Suppurative Otitis Media (CSOM) of the Right Ear". The petitioner appealed for re-examination and was permitted on 28.12.2013. Yet again, the Medical Board which examined him declared that the same condition persisted and consequently held him unfit. He again appealed and was asked to report for examination on 19.02.2014 which he did. Apparently, the Medical Board after

examining him affirmed its previous decision that he was unfit and was suffering from CSOM of the right ear. He however did not collect the certificate which was subsequently prepared on 04.03.2014.

It is submitted that this Court should appropriately issue suitable directions to the respondents to ensure the further re-examination of the petitioner in these circumstances. Learned counsel sought to highlight the inconsistency between the record and the stand of the respondents, particularly in the reply to his representation and stated that he was selected and not kept in the waiting list.

At the instance of the Court, the original record is produced and was seen by us today. It clearly bears out the respondent's contention that the petitioner was examined on several occasions and found to be unfit. Besides, the respondents also contended that the select list itself has a life of a year which expired on 30.04.2014. The petitioner has approached this Court much later on 27.07.2015. Having regard to all these facts, the Court is of the opinion that the claim for a direction to re-examine the petitioner is not warranted in the facts of this case.

The writ petition is consequently dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 01, 2015

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