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

+ W.P.(C) 8990/2015

SAURABH KUMAR

..... Petitioner

Through: Mr. Avneesh Mishra, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms. Barkha Babbar, Advocate
alongwith Ms. Depanjali Tyagi,
Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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21.09.2015

The petitioner complains of unjustified and arbitrary invalidation of his candidature on the ground that he suffers from a condition known as “Hyper Hydrosis”.

Learned counsel points out that the petitioner had successfully participated in the recruitment process with both Indian Air Force and the Indian Navy. He had *inter alia* applied for the post of Artificer apprentice with Submarine Specialization and qualified in the examination conducted by the Indian Navy. The petitioner was called for medical examination and reported for that purpose on 17.08.2015. The Medical Board however declared him unfit. The petitioner complains of arbitrariness contending that his candidature

for Air Force was not rejected for the same condition.

This Court is of the opinion that the Indian Navy's opinion as to the fitness of the particular candidate for the physical or medical conditions requisite for the Navy cannot be judicially reviewed in the manner sought. What can be open for examination is whether the individual actually suffers from the medical condition which constitutes a disability. In other words, the process of examination to determine whether as a matter of fact, the candidate suffers from disability alleged is alone open to examination. However, as to what constitutes fitness and the standards prescribed therefore cannot be judicially reviewed. The compulsion of each Force may vary depending on the exigencies of service and the kind of duties which its personnel have to undertake. In the present case, the petitioner had applied for recruitment as Artificer apprentice and opted for Submarine Specialisation. The condition which he suffers from results in excessive sweating in his palms. Since this is a listed disability, the Court is of the opinion that judicial review cannot be resorted to. In the circumstances of the case, the writ petition is consequently dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 21, 2015

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