

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 10721 of 2015 (O&M)
Date of Decision: 04.2.2016.

Mandeep Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.M.Sharma, Advocate
for the petitioner.

Mr. Parminder Singh, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari to set aside the medical opinion dated 17.4.2015.

Case of the petitioner, in brief, is that in response to notice in the newspaper for appointment of SOL (CLK/SKT) AJAC in Indian Army, petitioner had submitted his application. Petitioner appeared before the recruitment board on 4.8.2014 and was declared physically fit. After clearing the medical tests, petitioner was declared medically fit. Petitioner appeared for the written examination on 26.10.2014 and cleared the same. The selected candidates were allotted joining stations and on 24.2.2015, petitioner was directed to appear before the Military Hospital for further medical examination. At this stage, petitioner

was diagnosed with disability in the eye sight. Petitioner underwent an operation and was medically re-examined by the Military Hospital. However, it was declared that petitioner was suffering from disability, although, no medical report was supplied to him. Petitioner was told that he was suffering from Pterygium. Since the petitioner had already been found medically fit on his examination on 6.8.2014, petitioner was sure that he was medically fit and got himself medically examined from PGI, Chandigarh on 28.4.2015 and was declared medically fit. Hence, the present petition by the petitioner.

At the time of issuance of notice of motion, following order was passed by this Court on 26.5.2015:-

“Learned counsel has argued that the petitioner was found medically fit and that is why he was permitted to take the written exam. However, thereafter another medical examination was conducted wherein he was not given any written medical unfitness report but was informed that there was a small curable defect in his vision. The petitioner has got that corrected surgically but he is still not being permitted to join and the limited prayer he is making is that he should be permitted to undergo a fresh medical examination in the peculiar facts of this case.

Notice of motion.

On the asking of the Court, Mr. Parminder Singh, Senior Panel Counsel, accepts notice on behalf of the respondents.

Learned counsel for the petitioner undertakes to supply three copies of the petition to the learned senior panel counsel during the course of the day, who is directed to seek instructions before the next date of hearing.

Adjourned to 15.06.2015.

A copy of this order be handed over dasti to learned senior penal counsel under the signatures of the Bench Secretary.”

Learned counsel for the petitioner has submitted that the petitioner had appeared before the Review Medical Board on 17.4.2015 after he had undergone a surgery and was wrongly declared medically unfit.

Medical report dated 18.4.2015 (Annexure R-4) reveals that petitioner was declared unfit on account of Petrygium. Although, learned counsel for the petitioner has submitted that petitioner had been declared medically fit on his examination by the doctors of PGI, Chandigarh and AIIMS, Delhi, but no such certificates are available on record. Petitioner was found medically unfit by the Review Medical Board after he had allegedly undergone eye surgery. In the facts and circumstances of this case, no ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

**(SABINA)
JUDGE**

February 04, 2016
Gurpreet