

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19837 of 2013

Date of Decision:- 26.5.2016.

Dharminder Pal

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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?

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.

Mr. Indresh Goyal, Advocate for the respondents.

P.B. BAJANTHRI, J.

1.) In the instant writ petition, the petitioner has questioned the validity of the order dated 16.3.2013 (Annexure P-9) passed by the third respondent by which petitioner's request for re-medical examination has been rejected. Further, he has sought for a direction to the respondents to decide his appeal for re-medical examination on merits.

2.) The respondents invited applications from the eligible candidates for the post of Constable in the Central Reserve Police Force in the year 2011. The petitioner is one of the candidate for the recruitment. It is stated that he had cleared written test. When he was subjected to medical examination, the Medical Board has held

him medically unfit on the following grounds:-

“(a) Perforation of Tympanic membrane (Rt) Ear

(b) Diviated Nasal Septam.”

3.) The respondents have provided re-medical examination provision which is to be pleaded by candidate who was held to be medically unfit within a stipulated period of 15 days. Learned counsel for the petitioner submitted that petitioner had submitted appeal for re-medical examination. However, the same has been disputed by the respondents. Consequently, claim of the petitioner for re-medical examination rejected in the year 2011. The petitioner kept quiet for a period of two years and eight months and then he has approached this Court questioning the order dated 16.3.2013 (Annexure P-9) on the ground that he is entitled for re-medical examination.

4.) For the purpose of selection and appointment, one must approach Court at the earliest as held by this Court in **CWP No.2389 of 2016 (Nishinder Kaur Vs. State of Punjab)**. Here is a case where the petitioner has slept over the matter for the purpose of re-medical examination for two years and eight months. On the ground of delay and non-communication of appeal for re-medical examination to the respondents, the petition stands dismissed.

**(P.B. BAJANTHRI)
JUDGE**

May 26, 2016.

sandeep sethi