

**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Writ Petition No. 1569 of 2016**  
**Date of Decision: 25.1.2016.**

Naveen Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. P.K.Hooda, Advocate  
for the petitioner.

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**SABINA, J.**

Petitioner has filed this petition under Article 226 of the Constitution of India directing the respondents to select the petitioner as a Soldier.

Case of the petitioner, in brief, is that he had applied for the post of Soldier and failed in the written examination as informed vide letter dated 16.9.2014. Petitioner again applied for the post of Soldier and cleared the physical and medical fitness test but failed in the written examination held on 1.2.2015. Thereafter, petitioner again applied for the post of Soldier and was physically and medically fit. Petitioner successfully cleared the written examination held on 26.4.2015. Petitioner was not called for verification of the documents for six months. However, the petitioner was called for verification of the documents on 10.9.2015. Petitioner appeared before the competent authority. On 16.9.2015, the staff of the Training Centre with *malafide* intention excited the petitioner and the concerned staff ordered his

re-medical test. In the re-medical test, petitioner was declared unfit. However, no documents in this regard were supplied to the petitioner. Thereafter, petitioner moved a representation to respondent No. 2. However, vide Annexure P-6 dated 21.12.2015, respondents had refused to consider the case of the petitioner.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

In the present case, a perusal of the order Annexure P-6 dated 21.12.2015 reveals that the petitioner was informed the he was medically unfit as disability Hyperhydrosis was detected. Petitioner was directed to undergo review medical test at Military Hospital, Ahmedabad. However, petitioner was again declared unfit on account of disability suffered by him. Since the petitioner had been found to be medically unfit on account of the fact that he was suffering disability Hyperhydrosis, no ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

**(SABINA)  
JUDGE**

**January 25, 2016**  
**Gurpreet**