

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 232 of 2015
Date of Decision: 04.2.2016.

Rakesh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: None for the petitioner.

Mr. Piyush Khanna, Advocate for
Mr. Vinod Sharma, 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 mandamus directing the official respondents to re-conduct his medical examination.

At the time of issuance of notice of motion, following order was passed by this Court on 8.1.2015:-

“Learned counsel for the petitioner places reliance on the order dated 7.10.2014 passed by this court in CWP No.9152 of 2014 (Annexure P-5) (Sandeep Vs. Union of India and others) and the order dated 17.12.2014 passed in CWP No.25828 of 2014 (Annexure P-6), to contend, inter alia, that present one is an identical writ petition raising similar controversy. He further submits

that the petitioner was found medically fit for the appointment in question vide medical certificate Annexure P-3 (colly). However, vide medical report Annexure P-4, some medical deficiency was pointed out in the petitioner, which has forced him to approach this court.

Notice of motion for 5.2.2015.

To be heard alongwith CWP No.25828 of 2014.

On the asking of the court, Sh. Vinod Sharma, Advocate, accepts notice on behalf of the respondents and seeks time to get instructions.

In the meantime, with the consent of learned counsel for the parties and with a view to resolve the controversy of alleged medical deficiency in the petitioner, Director, PGIMS, Chandigarh, is directed to constitute a Board of Doctors, so as to carry out medical examination of the petitioner. Let the Director, PGIMS, Chandigarh, submit his medical report before the next date of hearing.

Office is directed to send a complete copy of the writ petition alongwith copy of this order to the Director, PGIMS, Chandigarh, to enable him to ensure compliance of the order.”

Learned counsel for the respondents has submitted that in view of the reply filed by the respondents, this petition has been rendered infructuous. In fact, petitioner has secured 94 marks whereas the last selected candidate in the scheduled caste category has secured 156.33 marks.

Since in the present case, the name of the petitioner does not figure in the merit list as he has secured 94 marks whereas the last selected candidate in the schedule caste category has secured 156.33 marks, no ground for further interference by this Court is made out as the petition has been rendered infructuous and is disposed of accordingly.

**(SABINA)
JUDGE**

February 04, 2016
Gurpreet