

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP-25289-2015 (O&M)
Date of decision: 02.06.2016**

Vikas Kumar

....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. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Ravi Verma, Advocate for the petitioner.

Mr. Pankaj Gupta, Advocate for respondents .

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has questioned the medical fitness certificate issued by the respondent dated 08.07.2015 and 07.10.2015 vide Annexures P1 and P3 respectively.

The respondents have advertised for the post of Group X (Technician) and Group Y (Non-Technical) in the month of August, 2014. The petitioner is one of the candidate to the recruitment to both the groups. His candidature was considered for the post of group X (Technician) in the Indian Air Force. The reasons for non-selection is that the petitioner was

subjected to medical examination on 08.07.2015 in which he was held as medically unfit on account of i) CVS Review ii) Genu Reactivation. Thereafter, he was permitted to appear before the Appeal Medical Board and it has been made known to the petitioner that the opinion of the Appeal Medical Board would be final. Petitioner is declared unfit by Appeal Medical Board on 7.10.2015 on account of hypertension. In this background, the petitioner is stated to have obtained two medical certificates from Nehru Hospital PGI Medical Education and Research, Chandigarh and Jindal Institute of Medical Science. The Doctors have opined that petitioner is fit to join Indian Air Force services and Jindal Institute of medical Science opined that fit for any level of acting from cardiac side.

In view of these opinions given by Nehru Hospital PGI Medical Education and Research, Chandigarh and Jindal Institute of Medical Science, petitioner has questioned the validity of the medical opinion given by the respondent-selecting authority.

Learned counsel for the petitioner vehemently contended that lower merited persons than the petitioner has been selected who was also declared as unfit namely Sachin Kumar pursuant to the order of this Court. However, no pleadings are forthcoming from the petition as well as in the CM that he was selected and appointed.

On the other hand, learned counsel for the respondent submitted that Indian Air Force have regulation (IAP4303 4th Edition) relating to medical examinations for those who are employed in Indian Air

Force. As per the said regulation each and every candidate who intends to join Indian Air Force would be subjected to medical examination under the regulations. These regulations have been fully complied before declaring the petitioner as unfit as he is suffering from hypertension.

Learned counsel for the respondent specifically pointed out Chapter 2 which reads as follows:-

“CHAPTER 2

MINIMUM PHYSICAL AND MEDICAL STANDARDS

General Health

4.2.1 Great care is to be exercised during the medical examination of candidates for entry into Air Force. Discharge from service of an airman trainee within a few months of enrolment on medical grounds due to pre-existing defects/disease, is a serious lapse on the part of the medical examiner as well as wasteful expenditure to the State. A candidate must be free from any active or latent acute or chronic, medical or surgical disability or infection and must be physically and mentally fit for duty in all climates any where in the world during peace or war.”

Learned counsel has also pointed out Chapter 3 and 3.3.3, which reads as follows:-

“3.3.3. Candidates are quite prone to develop White Coat Hypertension, which is a transient rise of BP, due to the stress of medical examination. Every effort must be made to eliminate the White Coat effect by repeated recordings under basal conditions. When indicated, ambulatory BP recording must be carried out or the candidate admitted to hospital for observation before final fitness is certified. An individual with BP consistently greater than 140/90 mm Hg shall be rejected.”

In view of these facts and circumstances, the petitioner has not made out a case so as to interfere with the impugned orders.

CWP stands dismissed.

02.06.2016
pooja saini

(P.B.BAJANTHRI)
JUDGE