

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26042-2015
Date of decision: January 15, 2016

JAIDEEP

.....Petitioner

Versus

UNION OF INDIA & OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: MR. JASBIR MOR, Advocate
for the petitioner

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India challenging order dated 31.12.2014(Annexure P12) and medical certificate dated 21.6.2013(Annexure P13).

The case of the petitioner, in brief, is that respondent No.5 had invited applications for recruitment of Constables in Central Armed Police Force. Petitioner being eligible applied for the post of Constable. Petitioner successfully qualified physical efficiency test and physical standard test for the post of Constable. Petitioner also qualified the written test. However, petitioner was declared medically unfit on 9.8.2012 on account of defect in his vision. Petitioner got himself medically examined from private practitioner and was found medically fit. Petitioner filed an appeal before the competent authority and the same was allowed and the petitioner was called for Review Medical Examination on 21.6.2013. The result of the Review Medical Examination uploaded on the website vide Annexure P8.

Petitioner was shown to be medically fit. Vide Annexure P9, uploaded on the website, petitioner was recommended for appointment. However, vide Annexure P10 letter dated 29.10.2014, petitioner was informed that on account of some defect, his dossier had been returned to Group Centre, CRPF Greater Noida. It was further informed that after the removal of defects, further action would be taken. Since the petitioner was not issued any appointment letter, he served legal notice through his counsel dated 22.11.2012. In response to the said notice, petitioner was informed that he could not be appointed as Constable as he was medically unfit. Hence, the present petition.

Learned counsel for the petitioner has submitted that the petitioner was found medically fit in Review Medical Examination. Hence, the petitioner was liable to be issued the appointment letter.

In the present case, petitioner had applied for the post of Constable advertised by respondent No.5. Petitioner had cleared all the stages upto written test but was declared medically unfit vide Annexure P4 due to following reasons:-

"Eye Vision Defect

Varicose Veins

Bow leg, Cubitus Valgus"

Petitioner filed appeal and in Review Medical Examination, (Annexure P8), he was declared fit. His name was also recommended for appointment vide Annexure P9. However, petitioner was not issued appointment letter. As per Annexure P10, petitioner was informed by the Assistant Commandant

(Administrator) for Director General, CRPF that on account of some defects, his dossier has been returned to Group Centre CRPF. In response to legal notice served by the petitioner, he was informed vide Annexure P12 that he had been shown fit due to oversight as he was medically examined under various categories and was found fit in one of the categories but was found unfit in another category. It was informed that the petitioner was found unfit due to left cubitus valgus, therefore, he could not be issued the appointment letter. Annexure P13 is the finding of the Board of the Re-medical Examination . A perusal of the same reveals that the petitioner found unfit on account of left varicose veins.

Since the petitioner was declared unfirt by the Re-Medical Examination Board, the respondents are well within their right to deny appointment to the petitioner. It appears that due to some inadvertence, vide Annexure P8, petitioner was shown to be fit in Review Medical Examination. Apparently, when the mistake was detected, appointment letter was not issued to the petitioner .

Since the petitioner has not been found medically fit in remedical examination, no ground warranting interference by this Court while exercising jurisdiction under Artilce 226 of the Constitution of India is made out.

Dismissed.

**(Sabina)
Judge**

January 15,2016