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

CWP No.26158 of 2015

Date of decision: January 18, 2016

Sandeep Kumar (minor)

.....Petitioner

Versus

The Secretary and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anil Kumar Gahlawat, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of Certiorari challenging the order dated 23.11.2015 (Annexure P-8).

The case of the petitioner, in brief, is that he had applied for the post of Airman in Group 'X' (Technical) Trades and Group 'Y' (Non-Technical) Trades advertised by the respondents. Petitioner had cleared the Airman selection test held on 16.04.2015 by qualifying Written Test, Aptitude Test, Physical Fitness Test and Interview. Petitioner was declared medically unfit on account of disability of 'DNS (Lt.) with B/L 5th. Petitioner got himself treated from PGIMS, Rohtak and was issued certificate Annexure P-5. Thereafter, petitioner was again recalled for medical examination by Specialist Medical Board, Command Hospital, CHWC, Chandigarh and was declared medically unfit vide Annexure P-6. Appeal filed

by the petitioner was dismissed without considering the medical/fitness certificate Annexure P-5. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner had been issued fitness certificate by PGIMS, Rohtak Annexure P-5. Hence, respondents were liable to issue appointment letter to the petitioner.

In the present case, petitioner had applied for the post of Airman in Group 'X' (Technical) Trades and Group 'Y' (Non-Technical) Trades. Petitioner was declared medically unfit on account of DNS (Lt.) with B/L 5th. Petitioner got himself operated from PGIMS, Rohtak. Annexure P-5 is the certificate issued by the said Hospital that the petitioner was admitted with diagnosis of Lt. DNS and was operated for Septoplasty. However, a perusal of the said certificate does not reveal that the petitioner had been declared fit to join for the post he had sought appointment. Petitioner was medically examined by Appeal Medical Board on 28.09.2015 and was declared unfit vide Annexure P-6 on account of DNS (Lt.) with B/L 5th. In view of the said certificate Annexure P-6, representation moved by the petitioner for his appointment was rejected vide order dated 23.11.2015 (Annexure P-8). The operative part of Annexure P-8 reads as under:-

"It is pertinent to mention here that the medical standards for IAF are at variance as compared to the civil medical standards due to the requirement to serve in any part of the world, in

any type of weather and terrain. The RMO and other specialists of Armed Forces are the final authority for declaring medical fitness of the candidates for selection into Armed Forces. Therefore, the opinion of the civil specialist can neither be taken into consideration nor it can be binding for selection in the Armed Forces. Opinion of Appeal Medical Board is final and there is no provision for further appeal/re-medical.

The procedure of Recruitment Medical Examination is carried out as per existing guidelines and orders of Indian Air Force. As per existing policy, "Appeal Medical Board is a time bound activity and to be completed within stipulated period. The opinion of AMB is final and there is no provision for further appeals/re-medical." This aspect is mentioned at Para 7 of Appointment letter of AMB which was issued to you and Para 3 of 'undertaking by candidate' of Medical Disposal Certificate issued by AMB and signed by you.

In view of the above, it is not feasible to consider your request for conduct of re-medical examination, as per existing medical standards, policies and procedure of IAF."

Since the petitioner has been declared medically unfit by the Appeal Medical Board, no ground for interference by this Court while exercising the jurisdiction under Article 226 of the Constitution of India, is made out.

Dismissed.

(SABINA)
JUDGE

January 18, 2016
mahavir