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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 366/2016 & C.Ms. 1521/2016 & 1522/2016

GAJENDRA SINGH Petitioner

Through: Mr. Manu Chaturvedi, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Dr. Ashwani Bhardwaj, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

15.01.2016

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1. The petitioner prays for issuing directions to the respondents to constitute a Review Medical Board at the Army Hospital to examine him and ascertain his medical fitness.

2. Learned counsel for petitioner submits that petitioner had submitted an application on 8th November, 2014, for admission in CDSE(I) 2015 course at IMA, for recruitment in the Indian Army. Vide communication dated 7th August, 2015, the petitioner was informed that he had cleared the SSB selection process and he was called upon to appear for his medical examination at the Command Hospital, Bengaluru, where he was declared unfit for selection on account of the fact that he has a genetic condition called *Spina*

Bifida.

3. Learned counsel for the petitioner submits that petitioner had undertaken an independent medical examination at Apollo Hospital on 2nd September, 2015 and 19th September, 2015, that had confirmed that he had the mildest form of *Spina Bifida*, which had not led to any physical or neurological defect or disability. In the light of the aforesaid report, the petitioner seeks reconsideration before the Review Medical Board.

4. Learned counsel for the respondents, who appears on advance notice, submits that the Super Specialty Report obtained by the petitioner from a private hospital does not state that he is not suffering from *Spina Bifida Occulta*, which is a genetic condition, and it is for this reason that his request for fresh examination by the Review Medical Board cannot be considered.

5. It has been enquired from counsel for the petitioner if he has submitted any representation to the respondents in the light of the Report filed at Annexure P-6 (colly.) along with the present petition, to which the reply is in the negative. However, learned counsel for the petitioner is agreeable to making such a representation.

6. Accordingly, liberty is granted to the petitioner to submit a

representation along with the relevant documents including those enclosed with this petition before the competent authority within two weeks, which shall be considered and decided by passing a speaking order under written intimation to him within two weeks thereafter.

7. The petition and applications are disposed of.

8. A copy of this order be given *dasti* under the signatures of Court Master to the counsel for respondents for compliance.

HIMA KOHLI, J

SUNIL GAUR, J

JANUARY 15, 2016

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