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

+ **W.P.(C) 307/2016**

YOGESH

..... Petitioner

Through : Ms. Jyoti Singh, Sr. Advocate with
Mr. Abhishek Choudhary and
Mr. Sameer Sharma, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through : Ms. Shubhra Prashar with
Mr. Debajyoti Behura, Advocates with
Dr. Gaurav Sharma.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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27.05.2016

1. On the last date of hearing, counsel for the respondents had stated that she shall ensure that a doctor from the department would appear on the next date of hearing to give a clarification with regard to the condition described as '*pityriasis versicolor*', which the petitioner is said to be suffering from.
2. Today, Dr. Gaurav Sharma from the respondent/CISF is present and hands over a document downloaded from the website of the British Association of Dermatologists, that describes the condition of '*pityriasis versicolor*', which is stated to be a type of fine skin scaling resulting in changing of the colour of the skin and it is stated to happen most often in warm and moist climates. The said condition results in a rash on the skin as the yeast that lives on normal skin, never goes away completely.

3. It is stated on behalf of the respondents that in view of the fact that the petitioner, if recruited, shall be expected to work in warm and moist climatic conditions and in those circumstances, his skin condition would get aggravated as he is suffering from '*pityriasis versicolor*', it could result in damaging the immunity system and it is on this ground that his candidature for the post of a Constable (GD) had to be turned down.

4. Per contra, Ms. Singh, learned Senior Advocate appearing for the petitioner hands over certain information downloaded from the internet pertaining to the condition of '*pityriasis versicolor*' and states that this is a harmless common yeast infection of the skin and cannot be a ground to turn down the petitioner's candidature particularly when the Senior Resident, MD Dermatology, Safdarjung Hospital, Delhi has stated in his report dated 8.12.2015, that he does not suffer from any fungal infection.

5. Having regard to the fact that the report of the Safdarjung Hospital, Delhi is of December, 2015, and was obtained six months ago, we deem it appropriate to direct the respondents to approach the R&R Hospital, Delhi with a request that a Review Medical Board be constituted in respect of the petitioner relating to the aforesaid condition. A dermatologist will be made a part of the Review Medical Board. The petitioner shall be intimated of the date and time when he is required to present himself before the Review Medical Board. The same shall be communicated to him through his counsel within a period of four weeks from today. The petitioner shall appear before the Board on the fixed date and time along with the relevant records.

6. The respondents shall ensure that the petitioner's medical records are forwarded to the Review Medical Board for their perusal. The Review Medical Board shall submit its report directly to the respondents, with a

copy thereof furnished to the petitioner. Both the parties shall be bound by the report of the Review Medical Board, R&R Hospital, Delhi, which shall be treated as final.

7. The writ petition is disposed of.

8. *Dasti* to the counsel for the respondents.

HIMA KOHLI, J

MAY 27, 2016
sk/mk/ap

SUNIL GAUR, J

