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

+ W.P.(C) 737/2016

RAVINDRA SINGH Petitioner
Through: Mr. Ajit Kakkar, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Nirankar Verma, Central
Government Standing Counsel
with Mr. Rohan Gupta & Mr. S.S.
Rai, Advocates for respondent
No.1-UOI
Mr. Vikran Singh, Advocate with
Captain A.K. Sinha for
respondents No.2 to 4

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
02.02.2016

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing of the order dated 18th August, 2015 passed by the respondent No.4-Recruiting Officer, Navy declaring him unfit for enrolment in the Navy for the post of a Sailor on the ground that he is suffering from hypertension.
2. Learned counsel for the petitioner states that the petitioner

had applied for the post of a Sailor in terms of the advertisement issued by the respondent No.4 and he was declared successful in the written test vide result dated 26th June, 2015 whereafter he was to report to the Recruiting Office at INS, Chilka along with the other candidates.

3. On 18th August, 2015, the Medical Officer had examined the petitioner and declared him unfit on the ground that he is suffering from Hypertension. As per the averments made in the writ petition, when the petitioner returned to his home, his parents took him to a government hospital at Bharatpur on 2nd September, 2015 and to AIIMS in Delhi on 4th September, 2015, where his blood pressure was recorded as normal. Hence, the present petition.

4. Learned counsel for the respondents, who appears on advance notice, submits that the petitioner's blood pressure was taken on 17th August, 2015 at INS, Chilka itself and to overcome the white coat syndrome, the doctor at the Navy Hospital had examined the petitioner periodically and taken several readings to verify his blood pressure, but each time his blood pressure had revealed that he is hypertensive as the recording was 170/90 mm. It is in this background that the petitioner's case was turned down.

5. Learned counsel for the petitioner states that there is no

provision in the Navy for a Review Medical Board due to which, the petitioner has not been able to make a representation to the respondents for a review of his case. He submits that the petitioner is still ready and willing to submit himself before the Review Medical Board.

6. Learned counsel for the respondents states that to obviate any scope of the petitioner being on medication for treatment of hypertension, which would camouflage the results, he would have to stay at a place designated by the respondents for a period of two weeks whereafter they shall conduct his fresh medical examination for hypertension. The said suggestion is acceptable to the counsel for the petitioner.

7. Accordingly, the respondents are directed to give a written intimation of the date, time and venue to the petitioner through counsel informing him of the place where he shall report for the said purpose. The petitioner shall be examined after a period of two weeks from the date when he presents himself before the respondents and his blood pressure shall be measured to rule out hypertension. The opinion of the Review Medical Board so constituted by the Commandant, Navy Hospital shall be communicated to the respondents, who shall in turn intimate the

same to the petitioner within two weeks from the date of the receipt of the said report/opinion. If the petitioner's case is rejected for any reason, then a copy of the opinion of the Review Medical Board shall be furnished to him.

8. It is clarified that the order passed above is based on its own peculiar facts and circumstances and shall not be considered as a precedent in any other case.

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

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 02, 2016

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