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

+ **W.P.(C) 957/2016**

**NARENDRA KUMAR** ..... Petitioner  
Through: Mr. Ajit Kakkar, Advocate

versus

**UNION OF INDIA AND ORS** ..... Respondents  
Through: Mr. Bhagvan Swarup Shukla, Advocate  
with Mr. Rachit Goel, Advocate

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**

% **19.05.2016**

1. The petitioner, who had applied to the respondents/Indian Navy for the post of an Artificer Apprentice, pursuant to an advertisement issued in the year 2015 and was declared successful in the written examination but his candidature to the said post was turned down vide order dated 17.08.2015, having been declared medically unfit on the ground that he is suffering from "*Bilateral Overriding of 2<sup>nd</sup> toe by Great Toe*", has filed the present petition praying *inter alia* for quashing and setting aside the order dated 21.12.2015 rejecting his request for a Review Medical examination.

2. Counsel for the petitioner submits that on returning home, the petitioner had consulted an Orthopedic Surgeon at the Govt. Hospital, Kuchaman City, Rajasthan, who had opined that the condition of his toes is normal. Armed with the said certificate, the petitioner had submitted a representation dated 30.10.2015 to the respondents for reconsidering his

case. However, vide order dated 21.12.2015 (Annexure P-5), the petitioner was informed that there is no provision for a Review Medical Examination and accordingly, the representation made by him was turned down. Aggrieved by the said order, the petitioner has filed the present petition.

3. On 30.03.2016, learned counsel for the petitioner had stated that the petitioner was present in court to demonstrate that there is no substance in the objection raised by the respondents to the effect that he suffers from *Bilateral Overriding of 2<sup>nd</sup> Toe over Great Toe*, which in simple words means that the thumb of the foot is smaller in length than the second finger of the foot. On the said date, counsel for the respondents was directed to produce the Guidelines applicable for recruitment in the Indian Navy, which lays down the norms for disqualifying a candidate on medical grounds.

4. Pursuant to the aforesaid order, counsel for the respondents has produced an extract of Order No.(Spl) 01/2008 that pertains to Medical Standards – Officers and Sailors and he particularly refers to clause (k) of para 2 of Appendix A, which stipulates that feet and toe of a candidate ought to be well formed. Further, Para 4 that refers to Major defects for rejection of a candidate states in sub-clause (f), that “Deformity of feet and toe” will be a disqualification. The said documents are handed over and taken on record.

5. Counsel for the respondents states that even otherwise, as per the certificate that has been enclosed by the petitioner alongwith his representation dated 30.10.2015, submitted to the respondents, the concerned doctor had also mentioned therein that the petitioner has longer, second, third and fourth toe vis-a-vis his first toe, which is the exact finding returned by the respondents. He explains that the exigency of service being

such, the aforesaid deformity of the petitioner would impede him from discharging his normal work while at duty.

6. In view of the aforesaid factual position, we are not inclined to exercise our powers of judicial review in the present case. The petition is accordingly dismissed.

**HIMA KOHLI, J**

**DEEPA SHARMA, J**

**MAY 19, 2016**  
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