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

+ **W.P.(C) 1294/2016**

SAJJAN SINGH

..... Petitioner

Through: Mr. Ankur Chhibber, Advocate

versus

UOI AND ORS

..... Respondents

Through: Mr. Nawal Kishore Jha, Advocate with
Mr. R.M. Tripathi, Advocate and Mr. B.K. Rout,
Pairvy Officer, CRPF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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28.03.2016

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the order dated 14.01.2016, issued by the Deputy Inspector General of Police, Group Centre, CRPF, Srinagar, rejecting his appeal against the order dated 05.12.2015, declaring him medically unfit due to varicose veins in both the lower limbs.

2. Mr. Chhibber, learned counsel for the petitioner submits that the petitioner was selected to the post of Head Constable (Ministerial) and was

issued a letter of appointment on 21.09.2015, asking him to report for duty at the Group Centre, CRPF, Rambagh, Srinagar on or before 20.10.2015. One of the terms and conditions of the offer of appointment issued to the petitioner was that if he reports after one year from the initial medical examination conducted on 11.10.2014, then his medical examination shall be conducted at the Group Centre and he shall be appointed with effect from the fresh date of medical fitness. Accordingly, the petitioner had reported for duty on 20.10.2015, which was after the expiry of one year from the date of his initial medical examination and on undergoing a medical check-up on 23.10.2015 at the Government SMHS Hospital, Srinagar, he was referred to the OPD for a specialist opinion with regard to varicose veins.

3. The examination report dated 26.10.2015, opined that the petitioner's condition fell within the normal parameters. He was again examined at the BSF Hospital, Srinagar on 30.10.2015 and it was observed that there was no condition of varicose veins and the petitioner was declared fit for recruitment. However, when the Chief Medical Officer, Group Centre, Srinagar had examined the petitioner on 4.11.2015, it was noticed that he was suffering from varicose veins and he was directed to be examined by the Board of Medical Officers at the Composite Base Hospital at Jammu before

passing any orders with regard to his unfitness. Resultantly, the petitioner had appeared before the Medical Board at Jammu on 01.12.2015 and vide letter dated 05.12.2015, he was informed that his candidature for the post of Head Constable (Ministerial) was cancelled since he was found medically unfit.

4. Immediately thereafter, the petitioner had of his own got himself examined at AIIMS, Delhi and as per the report dated 10.12.2015, his condition was found to be normal and there was no dilation of veins. The petitioner had also undergone a medical examination at the Safdarjung Hospital, Delhi on the same date and it was opined in the medical report dated 10.12.2015, that he is normal with no indication of any varicose vein. Armed with the aforesaid reports, the petitioner had submitted an appeal dated 15.12.2015 before the Inspector General of Police (Medical) at New Delhi and had prayed that a Review Medical Board may be convened, which request has been turned down by the impugned order dated 14.01.2016, observing *inter alia* that once the Board declares a person unfit, there is no provision for a re-medical examination by the Force.

5. On the last date, Mr. Jha, learned counsel for the respondents was directed to produce the medical records of the petitioner, which he has

produced today and we have examined the same.

6. Counsel for the petitioner has drawn our attention to two reports obtained by the petitioner from Government Hospitals at Delhi, namely, AIIMS and Sardarjung Hospital that state that the Doppler test undertaken by the petitioner shows that he does not suffer from varicose veins. Having regard to the said reports, it is deemed appropriate to direct the petitioner to appear before the CRPF Composite Hospital at New Delhi alongwith the reports obtained by him from AIIMS and Safdarjung Hospital, which shall be placed before a Medical Board to be constituted by the Director, CRPF Composite Hospital, New Delhi. The Board shall include a specialist in the field. After examining the petitioner in the light of the reports obtained by him from AIIMS and Safdarjung Hospital, a fresh decision shall be taken with regard to his medical condition as referred to in the impugned order dated 14.01.2016. If the Medical Board is of the opinion that the petitioner is required to undergo a fresh Doppler test and the said facility is not available in the CRPF Composite Hospital, he shall be referred to any CGHS Hospital for undergoing the said test, which shall be considered by the Medical Board and an opinion given thereafter. It is agreed that the said decision shall be final and binding on both the parties. The entire exercise shall be completed

within six weeks

7. The petition is disposed of.

DASTI to the counsel for the respondents.

MARCH 28, 2016
rkb/ap

HIMA KOHLI, J

SUNIL GAUR, J

