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

+ **W.P.(C) 2953/2016**

KULDEEP KUMAR

..... Petitioner

Through: Major K. Ramesh (Retd.) with
Ms. Archana Ramesh, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Barkha Babbar, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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05.04.2016

1. The present petition has been filed by the petitioner who had applied in the year 2011, to the Air Force for being inducted as an Airman.
2. The petitioner had initially cleared various tests and was found fit in the medical examination conducted on 20.11.2011. However, when he was called upon to appear for his medical examination before the Central Airmen Selection Board on 21.11.2011, his candidature was rejected on the ground that he had undergone Appendectomy. It is an admitted position that the petitioner was admitted in a private hospital on 30.5.2012, for undergoing Appendectomy, where he was operated and discharged after two days. The regulations of the respondents permit a candidate to apply for a Review Medical Board. However, there is not a whisper in the petition as to whether the petitioner had filed any appeal against the order dated 21.9.2012

declaring him unfit, or sought a Review Medical Board.

3. Ms. Babbar, learned counsel appearing for the respondents on advance notice, states on instructions that the petitioner has withheld material information from the Court to the effect that he had applied for Review Medical Board and the said Board had declared him unfit, vide order dated 04.1.2013. She further states that by now the petitioner would not qualify for being enrolled as an Airman for the reason that the cut off age is 21 years whereas he is 23 years of age (date of birth: 26.10.1993).

4. In view of the aforesaid position, we are not inclined to entertain the present petition, which is even otherwise, highly belated. The writ petition is dismissed.

HIMA KOHLI, J

SUNIL GAUR, J

APRIL 05, 2016

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