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

+ W.P.(C) 3753/2016

RAJESH SINGH

..... Petitioner

Through: Dr. Surender Singh Hooda, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Rajesh Kumar and Mr. Anil Dogra,
Advts. with Mr. Arvind Sharma, DC (BSF).

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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08.09.2016

1. This writ petition is directed against the disqualification of the petitioner in the medical examination for appointment to the post of Constable in the Border Security Force.
2. Upon medical examination, the petitioner was disqualified on the following grounds:-
 - (i) Knock Knee
 - (ii) Flat foot
 - (iii) Rhinitis Polyp and
 - (iv) Tachycardia
3. Pursuant to an application, the petitioner was re-examined and this

time after re-examination he was declared unfit only on the ground of Knock Knee.

4. The petitioner has annexed certificates issued by an Orthopaedic Specialist of Safdarjung Hospital, New Delhi declaring him medically fit with the specific observations that no feature suggestive of “*Knock Knee*” was found.

5. It appears that the Medical Board which examined the petitioner and later re-examined the petitioner did not include any Orthopaedic Specialist.

6. We are of the view that it is fit and proper that the petitioner should be re-examined by a Medical Board of Doctors of Research and Referral Army Hospital at Delhi. Needless to mention here that the Medical Board shall include an Orthopaedic Surgeon. Such re-examination shall take place on September 26, 2016 at 11 am.

7. It is unfortunate that this court should be flooded with litigations where the declaration of medical unfitness by the Board constituted by the Authorities have been found to be incorrect. Many of the Boards which conduct the medical examination do not contain Specialists in the relevant field. The respondent authorities should improve the system of medical examination and ensure that there are Specialists in the relevant field

included in the Medical Board.

8. The petition is disposed of with the above directions/observations.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 08, 2016/jg