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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8402/2016, CM No.34749/2016**
VIKAS

..... Petitioner

Through: Mr. Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Vijay Joshi, Sr. Panel Counsel
with Mr. Arvind Sharma, Deputy
Commandant

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
26.09.2016

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CM No.34749/2016

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 8402/2016,

1. The writ petition is directed against the disqualification of the petitioner for appointment to the post of Constable in the Border Security Force. The petitioner has been declared unfit for appointment on medical grounds.

2. It appears that on 29th July, 2015, Physical Efficiency Test and Physical Standard Test were conducted for appointment of the petitioner. The petitioner cleared both the tests. On 10th October, 2015 the petitioner was called for a written examination, which he also successfully cleared.

3. On 20th May, 2016, the petitioner was called for medical examination at the BSF, Tigri Camp but he was declared medically unfit on the ground of palpitation and hypothyroidism. Thereafter, the petitioner filed an appeal against the findings of the Medical Board, after which the petitioner was asked to appear for a review medical examination on 26th August, 2016. On review, the Review Medical Board cleared the petitioner of palpitation but declared him medically unfit on account of hypothyroidism on the basis of the examination report of the Department of Medicine Hamdard Medical Institute of Medical Sciences & Research. The report, which has been produced indicates that the normal TSH (Thyroid Stimulating Hormone) range is from 0.27 to 4.2 whereas the TSH level of the petitioner is 4.56. The petitioner's TSH level is marginally high as per the said report.

4. However, the petitioner has annexed reports of various medical centres including Safdarjung Hospital and Dr. Lal Path Labs. As per the

report of Dr. Lal Path Labs, the petitioner's TSH level is well within the normal range. The TSH level was found by Dr. Lal Path Labs to be 3.01, while the normal range is from 0.35 to 5.50. The report of Safdarjung Hospital indicates that the petitioner's thyroid level was tested to be 1.5 as against normal range of 0.4 to 6.2. The concerned Doctor has certified that the thyroid profile of the petitioner is normal.

5. In the aforesaid circumstances, we dispose of the writ petition by directing the respondent Authorities to refer the case of the petitioner to the Army Research & Referral Hospital for further medical examination. The Commandant, R&R Hospital will constitute a Medical Board for medical examination of the petitioner. The question of medical fitness of the petitioner will abide by the report of the Medical Board constituted by the Commandant, R&R Hospital.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 26, 2016/ak