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

+ **W.P.(C) 11356/2016**

AKASH YADAV

..... Petitioner

Through Mr. Ankur Chibber, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through Ms. Bharathi Raju, Advocate for
respondents No.1 to 3

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **20.12.2016**

This writ petition is directed against an order dated 2.8.2016 whereby the petitioner had been declared unfit by the medical board for compassionate appointment to the post of Constable of the Indo Tibetan Border Police Force (ITBP). The petitioner has also questioned the order of the Review Medical Board confirming the declaration by Medical Board and asked for directions from this Court to allow the petitioner to appear for a medical examination before an independent medical board. It, however, appears that the petitioner has four times been medically examined, once by the medical board, once by the review medical board, once by an Orthopaedic Surgeon

of the Safdarjung Hospital and once by the Lok Nayak Hospital.

The Medical Board declared the petitioner unfit on the ground of an old non-united fracture in his left 1st rib. The finding has been confirmed upon review.

The reports of Safdarjung Medical Hospital and Lok Nayak Medical Hospital do not specifically indicate that the petitioner does not have any old non-united fracture. On the other hand, the CT-Scan report of Safdarjung Hospital confirms an old non-united fracture in his left 1st rib.

We do not deem it appropriate to interfere. No useful purpose would be served by referring the petitioner to the Army or R&R Hospital, as prayed for by him.

The writ petition is dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

DECEMBER 20, 2016

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