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

+ W.P.(C) 1154/2016 and CM APPL. 5106/2016

AJEET YADAV

..... Petitioner

Through: Mr. A.K. Trivedi, Advocate with
Mr. Abhishek Tiwari, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Saroj Bidawat, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% 17.02.2016

1. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents to constitute an independent Medical Board at R & R Army Hospital or any other Govt. Hospital for re-examining him and if found fit, consider him for appointment to the post of Constable (Driver) in the CISF.

2. Mr. Trivedi, counsel for the petitioner states that in the year 2014, the respondents had advertised for recruitment to the post of a Constable (Driver). The petitioner had applied in response to the said advertisement and had appeared in the requisite examinations. Vide

communication dated 27.03.2015, the petitioner was called for his medical examination on 23.04.2015, where he was declared medically unfit on two grounds, one, on account of "a Tattoo Mark over the right arm" and second on account of suffering from "clubbing disability". The petitioner had then appeared for a review medical examination after obtaining a medical certificate from a Medical practitioner within 15 days of the medical examination. The review examination had taken place on 09.07.2015, where the petitioner was declared unfit on account of clubbing disability. Thereafter, the petitioner had approached Sawai Man Singh Hospital, Jaipur where he was examined and a medical certificate dated 27.7.2015 was issued by the said Hospital observing therein that "the Clubbing is Beniyn Familial Clubbing" (Annexure P-3). Relying on the said Certificate, the petitioner claims that he is entitled for being considered for the post of a Constable (Driver).

3. A glance at the Medical Certificate obtained by the petitioner from Sawai Man Singh Hospital, Jaipur also mentions that the "clubbing is beniyn familial clubbing". The said Certificate only reiterates the opinion that was earlier expressed by the Review

Medical Board conducted by the respondents. In these circumstances, there is no justification for us to direct re-examination of the petitioner before another Medical Hospital for an independent opinion. Assuming that the petitioner was wrongfully declared as medically unfit by the respondents, the independent opinion obtained by him from Sawai Man Singh Hospital, Jaipur also does not support his case.

4. In these circumstances, the Court declines to grant the relief prayed for in the present petition, which is accordingly dismissed alongwith the pending application.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 17, 2016

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