

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8 of 2017

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1. Mohit Kumar Sharma Son of Vinod Sharma resident of Village - Bal, P.S. -
Rasulpur, District - Saran.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, Govt. of India,
New Delhi.
2. The Indian Coast Guard, Ministry of Defence, Govt. of India, New Delhi.
3. The Commandant, Regional Recruitment Officer, Coast Guard region (NE),
Kolkata.
4. The Director (Recruitment) Coast Guard Selection Board, Noida.
5. The Regional Director, Regional Headquarters (NE), Synthesis Business Park,
6th Floor, Shraichi Building, New Town, Rajarhat, Kolkata - 700157.
6. The Lieutenant Commander, recruiting officer, INS Chilka, P.O. Chilka, District
Khurda, Odisha - 752037.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Adv.

For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.

Mr. Ram Anurag Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-06-2017

Heard Mr. Dhananjay Mishra learned counsel for the petitioner,
Mr. S.D. Sanjay, learned Additional Solicitor General and Mr. Ram
Anurag Singh, learned Central Government Counsel.

The petitioner is aggrieved by the communication of the
Medical Examination Board issued under the signature of the
Lieutenant Commandant, Recruitment Officer, INS, Chilka, Odisha
whereby the petitioner has been declared unfit for enrollment in INS
Chilka Indian Coast Guard suffering from 'Hyperhidrosis', a skin
disease.



Although Mr. Mishra espousing the cause of the petitioner for an appropriate direction to the respondents to carry out a review examination submits that the petitioner does not suffer any medical problem but Mr. Sanjay in reference to the guidelines governing the services in question enclosed at Annexure R/1 has submitted that the appeal was much available to the petitioner as against the medical examination report but the petitioner has not chosen to exhaust the remedy. He submits that the stipulated time for appeal to the Medical Board is 21 days in terms of the guidelines and which has lapsed long before the petitioner approached this Court.

Mr. Sanjay has next referred to the appendix to the guidelines to point out the physical fitness standard expected for the applicants trying to join the service to submit that the standards have been laid down and in so far as the case of the petitioner is concerned, he would be guided by the requirement present at Item No.10 which classifies the disease 'hyperhidrosis' as a disqualification for such appointment. Learned counsel has next referred to the Medical Examination Report of the petitioner present at Annexure-R/2 to submit that a detailed examination has taken place and the skin problem stands confirmed as manifest from the entries present at Items 17 and 27 on which ground the petitioner has been declared unfit for appointment.

Having heard learned counsel for the parties and considering



the explanation to the issue raised by the petitioner as advanced by Mr. Sanjay as also present at paragraphs 1 to 5 and 11 of the counter affidavit, I find no reason to interfere with the decision of the respondents to disqualify the petitioner for such appointment on medical grounds.

The writ petition is disposed of.

(Jyoti Saran, J)

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