

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20669 of 2015(O&M)

Date of Decision: 31.1.2017

Mohit Chauhan

... Petitioner

Versus

Union of India & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. Vivek Singla, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

This petition has been filed for seeking directions to the Indian Army to appoint the petitioner as Sepoy-Clerk. His case has been rejected by the Medical experts in the Army certifying that he suffers from disability known to the medical world as 'Digital Tremors'. Colonel Vikram Singh Sankhla, Director Recruiting, Recruiting Office (HQ), Headquarters Recruiting Zone, Ambala Cantt, Haryana who is present in Court, explains graphically that the condition is visible to the eye with the digits of the fingers, finger tips and other extremities of the body including earlobes etc suffer involuntary movement which may be caused by anxiety, hypertension and use of drugs etc. With this condition present on the body of the petitioner, he submits that it will not be in public interest to consider the petitioner's appointment in a combat role. The Colonel explains that combat role involves the fighting Army from the top echelons to the rank and file of the Sepoys, Sweepers, Cooks *et al* who are required by the regimen of the fighting arm of the Indian Army to be one hundred percent medically fit and

free from distracting conditions like the petitioner is evaluated for medically. The recruitment in consideration is for combatants which include all and sundry from the Top brass down to the Sweeper (Sepoy) in uniform.

In view of the above, this Court has no doubt left that the opinion of the medical experts in the Indian Army is unexceptionable as explained by Colonel Sankhla in Court that this is not a fit case for interference in writ jurisdiction. The Indian Army remains the best judge of its needs. This is probably the reason why the petitioner has not appeared today at the hearing. Even if he did the result would be no different. I would find no valid justification to adjourn this matter on the time worn phrase “in the interest of justice” to await counsel's appearance only to trouble the Colonel again. The petitioner cannot claim appointment as a matter of right. Moreover, mere selection does not give a candidate an indefeasible right to appointment by direct recruitment. Hence, the prayers are declined. A writ would not issue.

Accordingly, the petition fails and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

31.01.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>