

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 23994 of 2013
Date of decision: 14.12.2017

JaimalPetitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. R.K. Malik, Sr. Advocate,
with Mr. Bhupinder Malik, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Ramesh Hooda, Advocate,
for respondent no. 5.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 23/25.04.2013 (Annexure P-3) whereby, his claim for appointment as a Constable has been rejected on the ground that he was not medically fit in view of his case having been referred to the Board of three doctors of PGIMS, Rohtak. It was further noticed that the subsequent examination at the PGIMS, Rohtak whereby, he had been declared fit on 31.03.2012/02.04.2012 (Annexure P-1) would not as such bring him within the zone of consideration for appointment as the department had no intimation about such medical process after he had been declared medically unfit on an earlier occasion.

It is not disputed that in pursuance of selection process for 675 posts of Constables advertised for the 4th Indian Reserved Battalion, Gurugram, the petitioner was a candidate against 352 posts of general category. It is his case that he was at merit no. 257 as per the result declared

on 01.06.2011. That vide communication dated 15.07.2011 (Annexure R-5/1), the Civil Surgeon, Gurugram while taking the medical of the candidates, had referred 12 candidates to the Director, PGIMS, Rohtak for taking the expert view from the Orthopaedic Surgeon regarding the ailment of Knock knees/Flat feet. The petitioner's name finds mentioned in the said list of 12 candidates. The petitioner was duly examined on 26.07.2011 (Annexure R-5/2) at Rohtak and was found suffering from the disability whereby, he was held to be unfit for the post of constable on the ground that he has a genu valgum (right) lower limb (Knock knees) by the Board consisting of three Doctors at that point of time. The petitioner seemingly, on his own, got himself examined at PGIMER, Chandigarh on 18.01.2012 (Annexure R-5/4) and on the basis of that, the Director General Health Services issued communication dated 06.03.2012 (Annexure R-5/5) seeking the opinion of PGIMS, Rohtak keeping in view the opinion received from PGIMER, Chandigarh. It is on this basis that an expanded Board was constituted (Annexure P-1), on the basis of which, the petitioner now seeks appointment and challenges the impugned order.

The Director General of Police has rightly come to the conclusion that the subsequent medical examination was done at the own end of the petitioner at PGIMER, Chandigarh on the basis of which, a communication was got addressed to the PGIMS, Rohtak by the Director General for expanding the Board. The said exercise was never conducted or asked by the appointing authority and, therefore, the subsequent examination would not be of any help to the petitioner.

In such circumstances, this Court is of the opinion that the petitioner cannot seek any assistance from the subsequent medical

examination. The procedure which the senior counsel projects would lead to disastrous consequence where the candidate who is medically declared unfit can go to any authority to get his medical examination done at his own level and thereafter ask for over-ruling of the earlier ones.

Accordingly, finding no merit in the present writ petition, the same is dismissed.

14.12.2017
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No