

CWP No. 21138 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No. 21138 of 2016
Date of Decision: 18.04.2017**

Kulwant Singh

...Petitioner

Vs.

Union of India and others

...Respondents

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

Present: Mr. Navdeep Singh, Advocate
for the petitioner.

Mr. Vivek Singla, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J. (Oral)

The medical record from the Army Research and Referral Hospital, Delhi Cantt. has been brought to Court in sealed envelope within a sealed cover as revealed when the Court Secretary opened the contents. There is good news. The final medical opinion of medical experts of the Referral Hospital is expressed in favour of the petitioner. The team of doctors has opined that currently no evidence of Chronic Otitis Media (Bilateral) is present on the person of the petitioner and he has been declared fit for the disability for which he was declared unfit. The report has been sent with 5 identical copies one of which is retained on record as Mark 'A'. One copy has been handed over to Mr. Navdeep Singh, counsel for the petitioner.

Mr. Vivek Singla, Advocate for the Union of India has filed a reply in the Court, which is made part of the record. It obviously does not reflect what is found today from sealed cover.

Accordingly, the writ petition is allowed.

Since the decks are cleared the petitioner will be offered appointment as a Sailor in the Indian Navy as soon as possible in any current or subsequent course, as the case may be.

Before parting with the order, this Court notices the concern of Mr. Navdeep Singh shared in Court after the passing of the above order, that the authorities in the respondents should consider that in cases where candidates are rejected on medical grounds and make a grievance of being denied appointment on account of being declared medically unfit, the gist of the reasons for rejection, if not posted personally at the addresses of the candidates, should at least be put on the web site of the authorities from where information can be easily accessed by the aggrieved candidates. This would save the precious time and expense of contestants pursuing requests under the Right to Information Act, 2005 and other legal means adopted through representations and legal notices to elicit responses and for them to make up their mind whether to take recourse to law, which is a valuable right. This would instill faith in information available in public domain by putting parties to advance notice after the final results are known to the authorities. Defence services being all India services, candidates apply from far flung places in the sub-continent that comprises the huge Indian territory which by sheer size makes it a very arduous endeavour to seek justice from Delhi and other parts of India where candidates are medically checked up. The suggestion of the leaned counsel ought not to be dismissed off hand without due thought paid to the benefits it might reap and bring to those who ardently await results of medical examination on which careers depend,

from the first medical examination to the appeal stage. Information put timely on the official web site in such cases would help interested persons to notice their shortcomings and deal with them. The suggestion commends itself to me as a transparent process. This Court trusts that the authorities which must already be seized of this problem and if not, they may consider putting a rational system in place. With this hope, this petition stands disposed of as having been rendered infructuous.

(RAJIV NARAIN RAINA)
JUDGE

18.04.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>