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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **WRIT PETITION(CIVIL) No. 4182/2017**

Date of decision: 9th October, 2017

JASPAL CHAHAR

..... Petitioner

Through Ms. Archana Ramesh, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Ms. Ruchi Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (ORAL):

Jaspal Chahar, having been declared medically unfit on account of 'Refractive Error B/L' and denied enrollment as a sailor in the Indian Navy, has filed the present writ petition for medical re-examination at the Army Hospital(Referral and Research), Delhi Cantonment.

2. The petitioner relies on medical opinion expressed in the Out Patient Record dated 09.05.2017 of the V.M.M.C & Safdarjung Hospital enclosed as Annexure P-4.

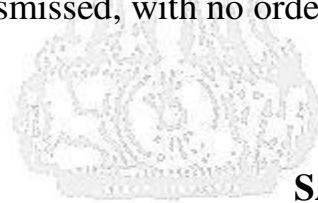
3. The respondents, as recorded in the order dated 15.05.2017, had stated that they would like to verify the authenticity of Annexure P-4. Original of Annexure P-4 was furnished to the Respondents on 29.05.2017. On 26.07.2017 the respondents had informed the Court that the OPD ticket, Annexure P-4, was not signed by any of the doctors of the eye department in V.M.M.C & Safdarjung Hospital. The respondents were asked to file counter affidavit affirming the said fact.

4. Respondents have filed an affidavit stating that the OPD ticket, Annexure P-4, purportedly issued by VMMC & Safdarjung Hospital, New Delhi, is a forged and fabricated document. In support, the respondents have enclosed copy of the correspondence exchanged with the Director, VMMC & Safdarjung Hospital. The OPD ticket was circulated amongst the doctors of the Department of Ophthalmology, VMMC & Safdarjung Hospital, who have, in writing, stated and affirmed having not signed or written the said OPD ticket or they were on leave on the said date. The respondents have highlighted ambiguity of the language used in the opinion and absence of the doctor's seal. The rubber stamp of the doctor, who had given the said opinion and his name is missing.

5. Counsel for the petitioner submits that the petitioner was examined on 24th May, 2017 at All India Institute of Medical Sciences. Photocopy of the said OPD slip/ticket has been shown to us today in the Court. It is accordingly submitted that the petitioner

should be sent for re-medical examination at the Army Hospital (R&R), Delhi Cant.

6. We are not inclined to accept the prayer of the petitioner once we accept averments made by the respondents in the counter affidavit that the OPD ticket of VMMC & Safdarjung Hospital relied by the petitioner is not a genuine document. The respondents have conducted detailed inquiry and have been able to show and establish that the said ticket is not signed by any of the doctors in the Department of Ophthalmology, VMMC & Safdarjung Hospital. Moreover, the language used in the opinion is ambiguous. The OPD ticket does not bear the rubber stamp and name of the doctor, who had examined the petitioner. We would, in these circumstances, decline and not exercise discretionary writ jurisdiction in favour of the petitioner. The writ petition is accordingly dismissed, with no order as to costs.


SANJIV KHANNA, J.


NAVIN CHAWLA, J.

OCTOBER 09, 2017
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