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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11211/2016 & CM No.43864/2016

DEVENDRA KUMAR YADAV

..... Petitioner

Through : Mr.Ajay Verma & Ms.Divya Chugh,
Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr.Anil Panwar, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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03.03.2017

This writ petition is directed against the rejection of the candidature of the petitioner for appointment to the post of Constable (General Duty) in Central Armed Police Forces on medical grounds.

Pursuant to the order of this Court the petitioner was referred to the Army Research and Referral Hospital, New Delhi for medical re-examination by a medical board. The petitioner has now been declared medically fit. Of course, counsel appearing on behalf of the respondents submits that the fitness is due to surgical intervention.

Counsel appearing for the petitioner refers to the prescription of the Safdarjung Hospital and other hospitals including the All India Institute of Medical Sciences opining that no surgical intervention was necessary.

It is not necessary for us to go into the dispute whether the petitioner underwent surgery; and whether he became fit only after surgical intervention.

The fact remains that the petitioner is now medically fit and there was no bar to surgical intervention. Candidates are often examined by the appellate medical board, after surgery. The petitioner submits that persons lower down in the merit list than the petitioner have been given appointments.

We dispose of the writ petition and the connected miscellaneous application by directing the respondents to consider giving appointment to the petitioner in accordance with law in view of the medical report of the Army Research and Referral Hospital, New Delhi.

Dasti.

INDIRA BANERJEE, J

YOGESH KHANNA, J

MARCH 03, 2017

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