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

+ **W.P.(C) 54/2017**

ABHIT TOMAR

..... Petitioner

Through

Mr. Ravinder Kumar and Mr. Anil
Kumar, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Vijay Joshi, Sr. Panel counsel
with Mr.D.Srivastava, SGT,
Advocates

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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04.01.2017

CM No. 312/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 54/2017

In this writ petition, the petitioner a candidate for the post of Airman in the Indian Air Force has challenged the rejection of his candidature on medical grounds.

On 30.7.2016 the first medical examination of the petitioner was conducted and the petitioner was declared medically unfit as he had been found to suffer from Hypertension. It appears that his Blood

Pressure was found to be 152/72. Thereafter, the petitioner filed an appeal. In appeal, after observation for 3 days, the blood pressure was found to be 150/96. The petitioner was again declared medically unfit. The petitioner had in fact been referred for examination at the Army Base Hospital and found unfit as he suffered from Hypertension.

The petitioner has in the writ petition referred to some prescriptions. His own prescription at page 21 indicates that V.M.M.C & Safdarjung Hospital, New Delhi found the blood pressure of the petitioner to be 130/90. In other words, the diagnostic blood pressure was found to be high and the petitioner was advised inter- alia Salt Restricted Diet. Another prescription, which is at page 22 of the writ petition of Uttarakhand Ayurvedic Vishwavidyala Parisar and Chikitsalaya at Haridwar indicates that on 18.11.2016 his blood pressure was found to be 122/90. The diagnostic blood pressure was high. He was also found to suffer from restlessness. The last prescription of Samudayik Swasthya Kendra at Barot, Bagpat indicates that his blood pressure was 118/62 which appears to be abnormally low. Having regard to the fact that the authorities have

consistently found the blood pressure of the petitioner high and considering the fact that even the prescriptions relied upon by the petitioner do not indicate a completely sound health, we are not inclined to interfere with the rejection.

It is not for this Court to sit in appeal over the opinion of doctors/medical boards with regard to the medical fitness of a candidate for appointment to the Indian Air Force, upon medical examination. It is only in the rarest of rare cases where it appears to this Court that the test result requires reconsideration, that this Court interferes. The Court cannot interfere only to give a candidate another opportunity, for it is the condition of the health of the candidate on the date of the medical examination which is material and not the condition of health at any subsequent date.

The writ petition is not entertained and the same is rejected.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

JANUARY 04, 2017

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