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

+ **W.P.(C) 10400/2017 & CM No.42462/2017**

DEVENDRA Petitioner
Through **Mr.Virender Singh Kadian, Adv.**

versus

UNION OF INDIA AND ORS. Respondents
Through **Mr.Suparna Srivastava, Adv. with**
Mr.Tushar Mathur, Adv. for R-1 to 4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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24.11.2017

1. The present petition has been filed by the petitioner impugning the order dated 9th August, 2017 passed by the respondent/Coast Guard Headquarters, rejecting his candidature for the post of Navik (GD/DB) on the medical ground of being found unfit for enrolment on the ground of “Tympanic Membrane Deformation (L)”.
2. Mr.Kadian, learned counsel for the petitioner states that after the petitioner was declared unfit on the above medical ground, he had approached various specialists for medical opinions and found that he was normal. Learned counsel refers to the documents filed along with the writ petition and collectively marked as Annexure P-3, including those issued by the Out Patient Department, BDM Hospital, Kotputli, Jaipur, Rajasthan, Rajkiya Bhagwandas Khetan Hospital, Jhunjhunu, Rajasthan and lastly, Yadav ENT Hospital at Narnaul, Haryana.

The last document that learned counsel relies on, records that the perforation in Tympanic Membrane Deformation (L) of the petitioner, has healed. In view of his own report, the petitioner cannot question a finding returned by the medical unit of the respondents who had declared him unfit on account of “Tympanic Membrane Deformation (L)”.

3. Learned counsel for the respondents who appears on advance notice, states that in any event, by now, there is no post available in the batch of 02/2017, for accommodating the petitioner as a Navik (GD/DB) and if the respondents issue a fresh advertisement for the said post, he would be at liberty to apply. Learned counsel for the respondents on instructions states that an advertisement for appointment to such posts, are issued by the respondents on a regular basis.

4. In view of the submission made hereinabove, we are not inclined to interfere in the decision conveyed by the respondents vide letter dated 9th August, 2017. The petitioner can apply afresh from the subject post as and when an advertisement is issued by the respondents and his admission at that time shall be subject to his fitness.

5. The petition is disposed of in the above terms.

HIMA KOHLI, J

VINOD GOEL, J

NOVEMBER 24, 2017/aa