

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No. 20032 of 2016 (O&M)
Date of Decision: 29.11.2018**

Amit Kumar

....Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr.Ram Darshan Yadav, Advocate for the petitioner.

Mr.Chander Mohan Sharma, Advocate for the respondents.

ARUN MONGA, J.

Pursuant to an advertisement for the post of Constable (Driver) in ITBP, the petitioner applied for the same. However, vide Annexure P-6 i.e. Detailed Medical Examination (DME) Rejection Slip, the petitioner was non suited on account of two reasons viz a tattoos over the right forearm and squint. The petitioner has, *inter alia*, impugned the said DME Rejection Slip in the present proceedings.

Respondent/ITBP has taken stand that the petitioner even though was declared eligible in the written examination having secured 37 marks out of 50 followed by skill test conducted at Skill Test Centre, ITBP, Battalion, Chandigarh wherein he secured 42.5 marks and was declared qualified. Learned counsel for the respondents contends that in view of deformities (tattoo and squint) stated in the impugned DME Rejection Slip (Annexure P-6), the petitioner has been rightly declared unfit.

Learned counsel for the respondents has also placed reliance on the Guidelines for Recruitment/Medical Examination in Central Armed Police Force and Assam Rifles issued by Ministry of Home Affairs, (Police Division-II), Government of India wherein as per item No.238 Clause-6, Sub Clause-6 any degree of squint is stated to be one of the grounds for rejection. As far as the tatoo on the forearm, the learned counsel for the respondent has neither addressed any argument on the same nor otherwise has shown anything on record to reflect if the same is valid ground of rejection.

Per contra, learned counsel for the petitioners vehemently disputes the fact that he has any degree of squint as stated in the DME rejection slip (Annexure P-6) and places reliance on a medical certificate dated 26.07.2016 issued by Senior Medical Officer, General Hospital, Rewari (Annexure P-7) and also another medical certificate (Annexure P-9) issued on the basis of medical examination conducted at General Hospital, Rewari on 25.07.2001 again by Senior Medical officer, General Hospital, Rewari.

The narration of the said certificates is contained in para No.12 and 13 of the writ petition and a perusal of the reply filed by respondent no.1 to the said corresponding paras reflects that even though said certificates were sent by the petitioner but the same were rejected by the competent authority giving credence to DME Rejection Slip as against the medical examination/certificates issued by Senior Medical Officer, Rewari.

Be that as it may, the learned counsel for the petitioner states that if the respondents are directed to conduct a fresh detailed medical examination, he would be willing to under go the same subject to

availability of any unfilled vacancy.

Accordingly, the present petition is disposed of with a direction to respondent No.1 and 2 to conduct a fresh detailed medical examination and consider the candidature of the petitioner for any future vacancy, in accordance with law in the event he is found medically fit based on the fresh DME report.

(ARUN MONGA)
JUDGE

29.11.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

RESERVED

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