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

+ W.P.(C) 6431/2018 & CM No.24721/2018

**RAJESH KUMAR**

..... Petitioner

Through: Ms.Saahila Lamba, Advocate

versus

**UNION OF INDIA AND ORS.**

..... Respondents

Through: Mr.Pratyush Miglani, Advocate

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

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**01.06.2018**

1. The petitioner, participated in the recruitment process for the post of Constable (Drivers) under the ST category, in response to an advertisement issued by the Sashtra Seema Bal (SSB) in 2016. The recruitment process consisted of four stages i.e. (i) Physical Endurance Test (PET); (ii) Written Examination; (iii) Trade Test and (iv) Detailed Medical Examination. Though the petitioner successfully crossed the first three stages, at the stage of a detailed medical examination, he was declared 'unfit' on two grounds i.e. (i) Hemorrhoids and (ii) unhealed Tattoo wound over the right forearm & arm. While declaring the petitioner 'unfit', he was made aware of the remedy of filing an appeal medical examination before the Review Medical Board on obtaining necessary fitness certificate from a medical practitioner.
2. On 13.11.2017, the petitioner got himself medically examined at the Indira Gandhi Medical College & Hospital (IGMC), Shimla and on the basis of the certificate issued by the said hospital, he applied for medical

examination by the Review Medical Board. The request of the petitioner for a review medical examination was not acceded to. The purported medical fitness certificate (Annexure P-3) recorded that the petitioner was under treatment and that being the position, he could not have been declared fit. This is apparent from the Certificate issued to the petitioner on 13.11.2017, which reads as under:

*“After due examination, I declared him/her medically fit for the said post as the petitioner is under treatment for removal of Tattoo (laser therapy) and under hemorrhoids which can be treated by the medical treatment and no surgery activity is required”*

3. The subsequent certificate dated 09.02.2018, issued in favour of the petitioner after two and a half months, wherein it has been certified that he had been treated for removal of tattoo by laser treatment, would not be of any assistance. Even the said certificate does not state that the petitioner had been medically treated for hemorrhoids and did not suffer from the said ailment anymore.

4. Since the two medical certificates placed on record did not declare that the petitioner was medically fit, his request for his examination by the Review Medical Board could not have been acceded to by the respondent.

5. In view of the aforesaid facts and circumstances, we decline to entertain the present petition, which is dismissed, along with the pending application.

**HIMA KOHLI, J.**

**PRATIBHA RANI, J.**

**JUNE 01, 2018**

*‘hkaaur/pg’*