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

+ W.P.(C) 6818/2018

ARADHYA ANANT BANSAL Petitioner

Through: Brig. A. Srivastava, Advocate with
Mr. Amit Kumar, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC with
Col. Gaurav Kapoor, Base Hospital.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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16.08.2018

1. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents/Indian Army to re-examine him by conducting a Review Medical Board and if found fit permit him to join the Officers Training Academy for commencing his training for commissioning into the Army.

2. Learned counsel for the petitioner states that the petitioner had appeared at Service Selection Board (SSB), Allahabad as an aspirant for joining Officers Training Academy, Chennai for commissioning into the Army. He was selected with an overall merit of 47 but was later on, declared unfit by the Indian Medical Board, Military Hospital at Allahabad on 28.11.2017, on the ground that he was suffering from “*Myopia (Left Eye) beyond acceptable limit, Peripheral Retinal Degeneration (Right Eye) and Overweight.*”

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3. Aggrieved by the aforesaid report submitted by the Medical Board, the petitioner filed an appeal for conducting an appeal medical board. The said request was acceded to by the respondents and the appeal medical board was conducted *qua* the petitioner on 03.01.2018 and 05.01.2018, at the Base Hospital, Delhi Cantt., Delhi, but his candidature was rejected on the very same ground. When the petitioner approached the respondents once again for a Review Medical Board, the said representation was rejected vide order dated 26.02.2018.

4. Thereafter, the petitioner approached two private Centres namely, Dr. Sandeep Mithal Advanced Phaco-Refractive & Vitreo-Retina Centre at Meerut, and Centre for Sight at Delhi for a medical opinion. He also went to a Government Hospital namely, Dr. Rajendra Prasad Centre for Ophthalmic Sciences, AIIMS, Delhi, for a medical opinion. It is the contention of the petitioner that the said Centres and the Institute had opined that “*both his eyes are normal and the conditions of the eyes are within the permissible limits.*” Hence, the present petition.

5. On the last date of hearing, learned counsel for the respondents was directed to obtain instructions. Today, Mr. Bharwaj, Advocate is present on behalf of the respondents along with Col. Gaurav Kapoor, who is a Sr. Advisor (HOD) (Ophthalmic) in the Base Hospital, Delhi Cantt, Delhi. The records of the petitioner have also been produced for our perusal. We find that the Appeal Medical Board had referred the case to Col. Gaurav Kapoor for an opinion. It is stated by learned counsel for the respondents that the claim of the petitioner that he had been found medically fit by the private

Centres as also by the government Hospital in the subsequent consultations taken by him, is not borne out from the records.

6. Col. Kapoor points out that the remarks “*WWOP areas*” in the report of the government Hospital, which stand for ‘Wide Without Pressure’, indicates “*Retinal Degeneration prone to detachment*”. The report of the Centre for Sight also refers to the same condition namely, “*peripheral-WWOP*”. Same is the position insofar as the report from the third private Centre obtained by the petitioner. Col. Kapoor explains that the remarks at the end of the aforesaid three reports to the effect that “*no peripheral treatable lesion which requires any treatment*” has been found in the case of the petitioner, only indicates the current position of his retinal health, but that does not rule out degeneration of his retina in the future, which is one of the considerations that weighs with the respondents, while commissioning an officer into the Indian Army.

7. Having perused the records and on considering the reports submitted by the petitioner, we are of the opinion that this is not a fit case to direct the respondents to conduct a Review Medical Board. The prayer made in the petition is declined. The petition is dismissed.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 16, 2018

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