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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 7729/2018**

**SH. RAVINDER SHARMA** ..... Petitioner

Through: Mr. Soumya Swaroop, Advocate.

versus

**BORDER SECURITY FORCE AND ANR.** ..... Respondents

Through: Mr. Vikas Mahajaj, CGSC with  
Mr. Deepak Goyal, Advocate.

**CORAM:**

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

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

% **26.07.2018**

1. The petitioner, who had applied for appointment to the post of SI/JE (Civil) in the BSF pursuant to the advertisement issued on 7-13.4.2012, is aggrieved by the decision of the respondents/BSF as communicated to him on 01.5.2018, rejecting his candidature for the subject post on the ground of “*Segmental Vitiligo (Leucoderma over left side of chest and extended to the same side of back and upper arm)*”

2. The brief facts of the case are that in April, 2012, the respondents/BSF had issued an advertisement inviting applications for filling up vacancies to the post of SI/JE (Civil). The petitioner had applied for the subject post and on appearing in the written test on 02.9.2012, cleared the same. Thereafter, he was directed to appear in the second stage of Physical Fitness Test (PET) on 18.10.2012 at the Chhawala Camp, Delhi, which he also cleared. At the third stage, when the petitioner had appeared for his medical examination on 03.11.2012, his candidature was turned

down on the ground of *“Knock Knee & Vitiligo at left side of chest extended to the same side of back and upper arm”*.

3. Aggrieved by the aforesaid findings, the petitioner got himself medically examined between 06.11.2012 to 15.11.2012 at the PGIMER, Chandigarh, the AIIMS, Delhi and the General Hospital, Rewari. The aforesaid medical certificates were enclosed by the petitioner with his application for seeking re-medical examination on 06.11.2012. When the respondents published a list of candidates who were to appear for a review medical board, on 15.1.2013, the petitioner found that his roll no. was not included in the said list. On contacting the Recruitment Cell on 16.1.2013, the petitioner was orally informed that his candidature had been rejected by the Doctors at BSF. Aggrieved thereby, the petitioner filed a writ petition in this court in January, 2013, registered as W.P.(C) No. 726/2012, which was disposed of vide order dated 08.8.2017, with directions issued to the respondents to conduct his re-medical examination and if found fit, appoint him to the subject post with immediate effect.

4. Vide letter dated 11.10.2017, the respondents directed the petitioner to appear before the Medical Board at the BSF Hospital, R.K. Puram, on 25.10.2017. When the petitioner appeared before the Medical Board, he was referred to the Dermatology Department at the Safdarjung Hospital, Delhi for an opinion on his medical condition and for conducting a sonogram to verify the condition of “Knock Knee”. The doctors at the Safdarjung Hospital opined on 27.10.2017, that the petitioner did suffer from *“segmental vitiligo at the left side of chest extended to the same side of back and upper arm but the same was localised”*. Further, the digital X-Ray

report of Mahajan Imaging Centre stated that “X-Ray did not reveal any significant abnormality as far as condition of Knock Knee is concerned”.

5. When the petitioner was called upon by the respondents for the review medical examination on 18.12.2017, he was once again referred for an opinion to the Head of the Department of Dermatology, AIIMS, Delhi, who issued a certificate dated 03.11.2017, stating inter alia that the petitioner suffered from “*Segmental Vitiligo (Leucoderma over left side of chest and extended to the same side of back and upper arm)*” but it was observed “*said condition is only limited to only one part of the body and usually does not spread to other areas of the skin*”. The said certificate further stated that the petitioner is medically fit from the dermatology point of view.

6. After going through the medical certificate issued by the aforesaid Hospital, the respondents issued the impugned order dated 01.5.2018 stating *inter alia* that the petitioner had been declared unfit by the Medical Board for the reasons that he suffers from “*segmental vitiligo*”. Aggrieved by the said decision, the petitioner has filed the present petition.

7. Learned counsel for the petitioner submits that despite the reports of the two Govt. Hospitals namely, Safdarjung Hospital and AIIMS, New Delhi, that state that the petitioner does not suffer from any deformity, the respondents have declared him unfit for the subject post, which is illegal and arbitrary and the said decision is liable to be quashed and set aside.

8. Mr. Mahajan, learned counsel for the respondents opposes the present petition and refers to the Revised Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles, issued by

the Ministry of Home Affairs, Govt. of India in 2015 and states that petitioner's candidature has been turned down on the ground that he suffers from "*chronic skin vitiligo*", which condition has been enumerated in para 6 (19) of the aforesaid Guidelines.

9. It is an admitted position that the petitioner suffers from "*segmental vitiligo at the left side of chest extended to the same side of back and upper arm*", which is the ground taken by the respondents to turn down his candidature. A certification from a doctor of a Govt. Hospital declaring the petitioner medically fit for appointment in the BSF would not be of any assistance as the eligibility criteria prescribed for appointment to the subject post in the Central Armed Force is to be governed by the Rules of the concerned Force. The said Rules are not a subject matter of challenge in the present petition. Para-6 (19) of the "General ground for Rejection", laid down in the aforesaid Guidelines clearly states that a candidate suffering from a skin disease as specified therein including "vitiligo", cannot be fit for being inducted in the Armed Forces.

10. In view of the above facts and circumstances, we do not find any infirmity in the impugned order. The present petition is resultantly dismissed in *limine* as being devoid of merits.

**HIMA KOHLI, J**

**REKHA PALLI, J**

**JULY 26, 2018**

ap/na/rkb

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