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

+ **W.P.(C) 6942/2017**

RUBAL YADAV

..... Petitioner

Through Mr.Anuj Aggarwal, Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through Mr.Ajay Digpaul, CGSC with
Ms.Madhuri Dhingra, Adv.

Dr.Karnail Singh, Presiding Officer of the Review
Medical Board, BSF.

Dr.P.P.Das, M.D.(Med), CMO (S.G.), BSF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **20.09.2018**

1. The petitioner seeks quashing of the findings of the Medical Board dated 28.04.2017 and of the Review Medical Board dated 25.07.2017 conducted by the respondent/BSF, whereunder she has been declared unfit for the post of Sub-Inspector on the ground that she is suffering from '*Tachycardia*' (Pulse Rate/ Heart Rate-130/min).

2. Learned counsel for the petitioner submits that on 09.01.2016, the respondent no.2/SSC had issued an advertisement inviting application for recruitment to the post of Sub-Inspectors in Delhi

Police, CAPFs and Assistant Sub-Inspector in CISF Examination, 2016 scheduled to be conducted on 20.03.2016 (paper I) and 05.06.2016 (paper II). The petitioner had qualified the written examination (paper I), the PET/PST and had appeared in the written examination (paper II) conducted on 18.12.2016 and qualified the same. Thereafter, vide intimation dated 24.03.2017, the petitioner was called for a medical examination to be conducted on 27.04.2017, at the Composite Hospital, BSF Camp, Jalandhar Cantt. The petitioner had appeared in the medical examination and on 28.04.2017, she was declared 'unfit' by the respondents on the ground of '*Tachycardia*'.

3. Upon rejection of her candidature, the petitioner had filed an appeal requesting for a Review Medical Board and enclosed therewith, a certification issued by the Professor, Department of Cardiology AIIMS, New Delhi dated 09.05.2017 stating *inter alia* that her pulse rate was normal and even her ECG was normal. On receiving the petitioner's appeal, the respondents had called upon her to appear before the Review Medical Board on 25.07.2017, wherein her candidature was again turned down on the same ground i.e. on the ground of suffering from '*Tachycardia*'.

4. It is the contention of Mr. Anuj Aggarwal, learned counsel for the petitioner that the rejection order was passed by the respondents for the second time, in a most mechanical manner and in complete ignorance of the report of the Professor, Department of Cardiology AIIMS, New Delhi. He further asserts that the petitioner is not suffering from '*Tachycardia*' and the report of Doctor of the AIIMS

clearly indicates that her resting rate of heartbeat is 80 beats per minute (bpm), which is normal.

5. On the last date of hearing, we have requested learned counsel for the respondents to produce the medical records relating to the petitioner and also ensure that a specialist in the field from the BSF Hospital is be present to assist us. Pursuant to the aforesaid order the records are available and Dr.P.P.Das, Cardiologist is present.

6. On perusing the records, it transpires that the petitioner's pulse rate was checked on 25.07.2017, on three occasions and the same reflected a variation in the heartbeat between 135bpm to 140bpm. Apart from taking the petitioner's pulse rate, an ECG was also taken, which had confirmed that her pulse rate was 136 bpm. Dr.P.P. Das, submits that normal rate of heartbeat is ideally below 100bpm.

7. We have enquired from learned counsel for the petitioner as to what is the standard operating procedure for examining candidates for the soundness of the heart and the Vascular System. Learned counsel hands over a copy of the relevant extract of the revised "*Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles*" issued by Ministry of Home Affairs (Police Division- II), Government of India, in the year 2015. The answer lies in para XIV (1) that states as follows:-

“(1) Examination of Pulse: The pulse should be examined at rest. He/she is made to hop 25 times and pulse rate is again recorded immediately after hopping and 02 minutes after hopping. In normal conditions his/her pulse rate will increase after hopping and normalize after 02 minutes. Failure of pulse rate, not

rising with exercise will indicate disease of conduction system like sick sinus syndrome. Similarly, resting pulse persistently over 100 should be kept under observation for sometime and re-examined subsequently next morning. Candidate with persistent tachycardia (more than 100 pulse rate per minute) or bradycardia (less than 50 per minute) will be declared disqualified. In case of irregular pulse the heart should be auscultated for extra systoles and if found, the candidate is to be rejected.”

8. A glance of the aforesaid Guidelines reveals that the pulse rate should be examined at rest and in case of resting pulse persistently being over 100 bpm, a candidate should be placed under observation for some time and re-examined subsequently on the next morning. On enquiring from learned counsel for the respondents as to whether the aforesaid procedure laid down in the Guidelines has been followed in the instant case, he concedes that the said procedure was not followed.

9. We are of the opinion that the candidature of the petitioner could not have been rejected without following the procedure prescribed in the captioned Guidelines. Accordingly, the findings of the Medical Board and the Review Medical Board are quashed and set aside. It is deemed appropriate to direct the respondents to approach the R & R Hospital, Delhi Cantt with a request to admit the petitioner for a couple of days or more, as required to examine her pulse rate and submit a report. The R & R Hospital shall constitute a Medical Board, which shall include a Specialist in the field. The report of the Hospital shall be furnished to the petitioner and the respondents. Both parties shall be bound by the said report.

10. In the event the petitioner is cleared of '*Tachycardia*', then the respondents shall take immediately steps to process the candidature of the petitioner for the subject post within four weeks from the date of receipt of the report. Further, the petitioner shall be entitled to get all the benefits including her seniority etc., except for the backwages.

11. The petition is disposed of leaving the parties to bear their own expenses.

12. ***Dasti*** to the counsel for the respondents for making compliance under the signatures of the Court Master.

HIMA KOHLI, J

REKHA PALLI, J

SEPTEMBER 20, 2018

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