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

+ **W.P.(C) 11937/2018**

SHRI VIKRAM

..... Petitioner

Through: Mr. R.S. Sirohi and Ms. Nitisha
Goyal, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Shiva Lakshmi, CGSC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **14.11.2018**

CM APPL. 46253/2018 (Exemption)

1. Exemption allowed, subject to all just exceptions.

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2. Pursuant to the Petitioner passing the written examination for Group 10 (Technical) in the Indian Air Force, he was subjected to medical examination on 5th August 2017, in which he was found physically fit. However, a call letter was issued to him only on 8th May 2018.

3. In terms of the prevalent rules since a period of six months has elapsed from the last medical examination, he had to undergo a fresh medical examination. During the fresh medical examination which was conducted on 21st June 2018 the Petitioner was declared unfit on account of (i) drooping

shoulder (RT) and (ii) Digital tremors. The Petitioner then preferred an appeal and sought examination by the Medical Board. The Appeal Medical Board examined him on 7th September 2018 and again found him medically unfit on account of 'digital tremors'.

4. The case of the Petitioner was that he should again be examined before the Army R &R Centre since he is not happy with the medical examination that took place by the Appeal Medical Board on 7th September 2018. He relies on the decision dated 24th October 2016 of this Court in W.P.(C) 9239/2016 (*Vikas v. Union of India*).

5. As far as the above decision is concerned, it appears to have turned on the fact that the Petitioner was sought to be disqualified on account of "ECG abnormality". It was found on facts that before even the Appeal Medical Board he was not subject to complete medical examination which would have included an ECG test. Accordingly, an order was passed by this Court for a fresh medical examination.

6. However, in the present case the Appeal Medical Board did examine the Petitioner for the particular medical disabilities which was detected during his first medical examination. The proceedings of the Appeal Medical Board which have been placed on record do not indicate any lapse on the part of such Appeal Medical Board warranting any interference with its conclusion that the Petitioner suffers from 'Digital Tremors'. This Court has also been shown the manual of medical examination followed by the Air Force which specifically states that the presence of such Digital Tremors would be a disqualification.

7. No interference is called for. The petition is dismissed.

S.MURALIDHAR, J

SANJEEV NARULA, J

NOVEMBER 14, 2018

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