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

+ **W.P.(C) 11847/2018**

AJAY

..... Petitioner

Through: Ms. Bhanu Gupta, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Ajay Digpaul and Mr. Soumava
Karmakar, Advocates for R-UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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04.12.2018

1. The Petitioner challenges the orders dated 23rd July 2018 and 7th September 2018 thereby declaring him medically unfit for recruitment as Airman in Group X (Technical) or Group Y (Technical) of the Indian Air Force.

2. After being declared successful in the written examination for selection and then being assessed as fit in further parameters, the initial medical examination that took place on 7th June 2018 found him unfit on account of: 9i) Acne Vulgaris and, (ii) Cubitus Valgus.

3. The Appeal Medical Board found him fit for 'Cubitus Valgus', but unfit for 'Acne Vulgaris'. Additionally, he was found to be suffering from 'Nodulocystic Acne'. As rightly pointed out by the counsel for the

Respondents, this is a disability that merits declaration of ‘unfit’ category as per clause 3.8.3 (b) of Chapter 8 (Dermatological System) of the Manual of Medical Examinations and Medical Boards published under the Authority of the Chief of the Air Staff.

4. Learned counsel for the Petitioner urges that the Court should permit the Petitioner to be examined once more at the Army Research & Referral Centre. With the Petitioner having been examined twice and concurrently being found to be unfit and with the Appeal Medical Board having examined the Petitioner and given an objective finding that one of the disabilities pointed out in the initial medical examination existed and the other was absent, there is no ground for doubting the correctness of the opinion of the Appeal Medical Board. No ground is made out for interference.

5. The petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

DECEMBER 04, 2018

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