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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12342/2018

VIJAY KUMAR YADAV

..... Petitioner

Through: Mr Anil Kakkar, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms Bharathi Raju, CGSC for UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER
22.11.2018

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1.The Petitioner seeks a declaration that the decision of the Respondents rejecting his candidature for the post of “Airman” in Indian Air Force in Groups X and Y Trades on the ground of not passing the medical fitness test is illegal.

2. On the previous date i.e. 19th November, 2018, this Court passed the following order:

“1.Learned counsel who appears for the Respondents on advance notice, has placed on record the noting dated 31st August, 2018 of the Medical Board which reads thus:

"Giant congenital melanocytic nevus present along mandibular diversion of left trigeminal nerve. Unfit for the referred disability considering the size of the lesion."

2. A copy of the above document be provided to the learned counsel for the Petitioner during the course of the day.

3. Learned counsel for the Petitioner seeks time for instructions.”

3. Today, learned counsel for the Petitioner states that he is awaiting the test results on whether the “congenital melanocytic nevus” is in fact malignant.

4. That, however, is not the point. The question is about the correctness of the opinion of the Medical Board which has, for the reasons noted hereinbefore, found him unfit as the size of the lesion brought it within the prohibited category. This Court cannot possibly sit in appeal over that medical determination.

5. There is no merit in this petition and the same is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 22, 2018

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