

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6496-2019 (O&M)

Date of Decision: 10.07.2019

Mohit

... Petitioner

vs.

Union of India and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ramesh Malik, Advocate, for the petitioner.

Mr. Ankur Sharma, Advocate, for the respondents.

ARUN MONGA, J.(ORAL)

CM -8916-CWP-2019

Allowed as prayed for.

CM-8919-CWP-2019

For the reasons stated in the application, the same is allowed.

Written statement on behalf of the respondents is taken on record, subject to all just exceptions.

CWP-6496-2019

Impugned herein is the medical unfitness certificates dated 08.01.2019 and 08.02.2019 (Annexure P-2 and P-4) respectively issued by Medical Officer of the rank of Flight Lieutenant in Indian Air Force and the subsequent one by another Medical Officer of the rank of Squadron Leader.

Learned counsel for the petitioner argues that the medical rejection is very vague as the medical unfitness certificate dated 08.01.2019 (Annexure P-2) merely states that the petitioner has raised 'Total Leukocytosis count' and no specifics of the same have been given. Same is the position in the medical unfitness certificate dated 08.02.2019 (Annexure P-4) wherein it has been stated that the candidate is medically unfit on

account of 'Leukocytosis' without giving any count whether the same is below or above the permissible limit. As against this, the petitioner had himself examined at All India Institute of Medical Sciences (AIIMS) as well as Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and Post Graduate Institute of Medical Sciences (PGIMS), Rohtak and as per the medical certificates issued by them, which are annexed as Annexure P-5 colly, Annexure P-6 colly and Annexure P-7 colly, the 'Leukocytosis' count in the petitioner has been found within the permissible limit and he has been found medically fit having his 'Leukocytosis count' within the permissible medical limit.

Without commenting on the merits of the medical certificates issued to the petitioner by AIIMS, PGIMER, Chandgiarh and PGIMS, Rohtak, keeping in view the conflicting medical reports of the petitioner on account of his 'Leukocytosis count', in the interest of justice, a direction is issued to the respondents to constitute a Review Medical Board so as to reconsider the medical fitness of the petitioner or alternatively they may get the medical certificates issued to him by AIIMS/PGIMER/PGIMS verified. In the event, the respondents decide to constitute the Medical Board afresh to review/reconsider the medical fitness of the petitioner, they are at liberty to conduct the same at the place of their choice. Let an appropriate decision in this regard be taken within 15 days and if the petitioner is found medically fit, he shall be accorded the appropriate benefits thereof in accordance with law.

Disposed of accordingly.

10.07.2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No