

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-11282-2019****Date of Decision: 30.09.2019****Kulwinder Singh****... Petitioner****vs.****Union of India and Ors****.. Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present : Mr. Rajiv Joshi, Advocate
for the petitioner.Ms. Gehna Vaishnavi, Advocate
for the respondent(s)-UOI.

ARUN MONGA, J.(ORAL)

The present writ petition has been filed for issuance of a writ in the nature of mandamus to quash the communication dated 08.02.2019 (Annexure P-7) issued by respondents No. 5 and 6 whereby the petitioner has been found 'unfit' for enrolment to Navy during medical examination.

2. Succinctly, the facts are that the petitioner applied for the post of 'Navik (General duty)' under Scheduled Caste category, as per advertisement (Annexure P-1), which was published by the respondents. He possessed the requisite qualifications for the post and was held eligible to sit in the written test to be conducted by the respondents. Having cleared all the stages of the selection process, he was finally called for a Medical test to be conducted on 15.11.2018. To the surprise of the petitioner, he was declared medically unfit vide letter dated 08.02.2019 (Annexure P-7) on the ground that he was suffering from '*Hyperhydrosis*'. Final medical examination was to be held at Chilka and the date of reporting for final medical examination was 08.02.2019.

3. The petitioner got himself medically examined from Government Medical College and Hospital, Jammu and was issued a certificate dated 28.02.2019 (Annexure P-8), declaring him to be medically fit. The petitioner then made a representation dated 07.03.2019 (Annexure P-9), to the respondents, but the same was not adverted to till date. Hence the present writ petition.

4. The respondents have controverted the stand of the petitioner saying that the medical criteria for the post in question is higher than most other posts.

5. I have heard counsel for both the parties and have gone through the pleadings.

6. In view of the conflicting medical reports, it would be appropriate if the respondents are directed to conduct fresh medical examination of the petitioner, at any hospital of their choice, preferably at ***Army Research and Referral Hospital, New Delhi***. Ordered accordingly.

7. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

30.09.2019
smriti

(ARUN MONGA)
JUDGE

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