

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CWP No.18789 of 2015 (O&M)

Date of decision: 15.10.2019

Hartej Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Parminder Singh Kanwar, Advocate
for the respondents-UOI.

ARUN MONGA, J. (ORAL)

1. Inter alia, issuance of a writ in the nature of certiorari has been sought herein to quash review medical certificate (Annexure P-2), whereby petitioner has been declared medically unfit for the post of Sailor in Indian Navy.

2. Petitioner was a participant to the post of Sailor in Indian Navy pursuant to advertisement published in November, 2014. He states that he had cleared all the tests but at the time of medical fitness test, he was declared unfit by the Medical Officer at Military Hospital, Jalandhar on account of medical condition known as Hydrocele (RT). Subsequently, in a review Medical conducted by the Board of three specialist Medical Officers, the petitioner was again found unfit on account of the same diagnosis i.e. Hydrocele (RT). The petitioner states that he had got himself examined from the Government hospital at Government Medical College,

Amritsar as well as from Guru Nanak Dev Hospital, Amritsar. The doctors there opined that he does not suffer from Hydrocele (RT) as per medical certificates contained at Annexure P-3 colly. Hence, the present writ petition.

3. In the reply filed on behalf of the respondents, dismissal of the petition has been sought on the ground that the petitioner has rightly been declared medically unfit and in any case, the same is temporary unfitness and does not bar him permanently to apply for the said post in future.

4. I have heard the rival contentions of learned counsel for the parties and gone through the pleadings along with the record appended thereto.

5. Having perused the medical unfitness certificate issued by the Review Medical Board, I am of the view that this Court cannot substitute its opinion over the opinion of experts and therefore no interference is called for. That apart, the medical certificates issued by the Doctors of Civil Hospitals in Amritsar, relied upon by learned counsel for the petitioner, lack the requisite credibility. The same have not been issued by experts in the requisite medical field. On a query posed by the Court, learned counsel for the petitioner submits that one of the two medical certificates is issued by a Radiologists while the others has been issued by a General Physician (MD). In the premise, writ petition is devoid of merit and therefore, deserves to be dismissed.

6. Even otherwise, I am of the opinion that the petitioner is seeking a job in Indian Navy and the nature of job per se requires higher medical standards so as to be physically fit enough to undergo the training and the subsequent military operations. Accordingly, it is only the

authorized medical specialist of Indian Navy/Defence service who must be satisfied with regard to the requisite level of medical standards of the candidates applying for such jobs.

7. There is no gain saying that both, at the training stage as well as subsequent military service, extreme high levels of fitness are required and therefore, Doctors of Civil Hospitals may not be well equipped to comment on the medical standards required in the Indian Navy.

8. The Indian Navy cannot afford to compromise on the combat ability of its Navel Commandoes/Sailors deputed on warships/submarines by recruiting candidates who are medically unfit, at the very inception into the service. It is, thus, in his own interest that the candidature of the petitioner has been rejected on medical grounds since he has been found to be suffering from a medical condition which would render him unfit to undergo the rigour of the training and the subsequent job.

9. In the aforesaid premise, no interference is called for in the extraordinary jurisdiction of this Court vested under Article 226 of the Constitution of India.

10. The writ petition is dismissed in above terms.

15.10.2019
D.Bansal

(ARUN MONGA)
JUDGE

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