

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

137

CWP No.23048 of 2019

Date of decision: 28.08.2019

Amit

... Petitioner

Versus

Union of India and others

.. Respondent

CORAM : HON'BLE MR.JUSTICE ARUN MONGAPresent : Mr.Ganesh Kumar Sharma, Advocate
for the petitioner.

Mr.Amrik Singh, Advocate for UOI.

Arun Monga J. (Oral)

The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari to quash/set aside the impugned order dated 18.5.2019 (Annexure P-8) passed by the respondents, Medical authorities in which they declared the petitioner medical unfit for vision standard.

1. Pursuant to the advertisement (Annexure P-2), the petitioner had applied for the post of Artificer Apprentice (AA) SSR in Indian Navy. However, vide impugned medical certificate (Annexure P-8), the petitioner was found to have defective vision and was declared unfit for being considered to the said post.

2. Learned counsel for the petitioner submits that against the impugned medical unfitness, he filed an appeal for re-medical examination/review medical as is reflected from Annexure P-9 but no order has been passed on the same.

3. On advance service of copy of the petition, Ms. Amrtia Singh, accepts notice on behalf of respondents-UOI.

4. In view of the conflicting medical report contained at Annexure P-9 impugned herein, vis-a-vis Annexure P-10, at this stage, notice is being issued confined to the issue of taking a decision on appeal (Annexure P-9).

5. Learned counsel for the petitioner contends that the petitioner had successfully qualified the written examination followed by physical fitness test and consequently was invited for medical examination. In the medical examination, he was declared to be medically fit with regard to Hydrotropic Interior Nose however, he was declared unfit for vision. The petitioner was verbally told that he is unfit for joining Indian navy as he does not have the visual standard as per Advertisement. He was neither handed over any document by the hospital nor he was afforded any opportunity to make appeal against the opinion of the Specialist of Medical Hospital Jalandhar Cantt. The petitioner came to know about his disqualification due to defective vision when the Indian Army published the merit list for the said post and the petitioner scored much higher than the cut off list. Aggrieved, the petitioner filed an appeal against the impugned order (Annexure P-9) but the same has not been decided so far and the training for this batch (selected candidates) will commence from August, 2019. Learned counsel for the petitioner further contends that pursuant to his rejection in the medical examination, the petitioner has got himself medically examined at Rathi Eye Hospital Rohtak followed by Govt. Hospital Bahadurgarh on 12.7.2019 and the hospital also affirmed that his visual standard with glasses is 6/6 for both eyes. He further contends that there has been delay on the part of the respondents

to send the petitioner for training. There was no question of his being rejected as, at the relevant time, he did not suffer from any such defective vision.

6. Per contra, learned counsel for the respondent-Union of India submits that as per the Army Rules, in case there is delay in deputing a candidate for training, then a fresh medical examination is required to be conducted.

7. Considering the facts in entirety and in all fairness to the parties, the respondents are directed to conduct a fresh medical examination by constituting a Medical Board at All India Institute of Medical Science or Command Hospital, Hissar or PGIMER, Chandigarh or at the Army Hospital Research and Referral Institute or any other institute, which the respondents may so wish.

8. Let the needful be done within a period of two months from today.

9. In case, the petitioner is found medically fit then he would be given the benefit of his earlier selection and deputed for training, in accordance with law.

10. With these observations, the present writ petition is disposed of.

[ARUN MONGA]
JUDGE

28.08.2019
sd

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