

**Sr. No.228
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.25589 of 2017 (O&M)

Date of Decision: 21.08.2019

Kapil

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ravi Kant Sharma, Advocate,
for the petitioner.

Mr. C.M.Sharma, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

1. Grievance of the petitioner is that pursuant to his application for recruitment to the post of 'Hawaldar Clerk' in Indian Army, he was successfully selected for the same. In the first round of medical examination, he was found fit but after he reported for joining, another medical examination was conducted, wherein he was found to have been suffering from some ear problem and was declared medically unfit and not allowed to join.

2. Consequently, petitioner vide his application dated 21.01.2017 (Annexure P-4), requested for review of his medical examination particularly in view of his having got himself examined from a private hospital which did not find petitioner suffering from any ailment as is reflected from medical certificate Annexure P-5. Notwithstanding, the petitioner has not been accorded the opportunity of examination before the Review Medical Board.

3. In the return filed on behalf of the respondents, it has been stated that the petitioner was found to be suffering from TYMPANOSCLEROSIS B/L and, therefore, has been rightly rejected on medical grounds. However, no plausible justification has been rendered that if the petitioner was initially found fit in the first round and in view thereof, why his request for Review Medical Board was not considered.

4. In the peculiar circumstances, the respondents are directed to conduct a fresh medical examination of the petitioner by constituting a Board of Medical Experts at Command Hospital, Chandimandir or PGIMER, Chandigarh or Army Hospital Research and Referral Institute, as per their choice.

5. In the event, petitioner is found medically fit, he shall be accorded the benefit of his having qualified for the post in the earlier round and shall be considered for recruitment in the subsequent batches in future subject to availability of vacancy.

6. Petitioner is directed to present himself on 03.09.2019 before the Medical Superintendent of the Command Hospital, Chandimandir along with copy of the order to enable the respondents to implement the same.

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

(ARUN MONGA)
JUDGE

21.08.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No