

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

117

CWP No.23179 of 2019

Date of decision: 30.08.2019

Rohit Kumar

... Petitioner

Versus

Union of India and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA

Present : Mr.Navdeep Singh, Advocate
for the petitioner.

Mr.Nikhil K.Chopra, Senior Standing Counsel for UOI.

Arun Monga J. (Oral)

Grievance of the petitioner herein is against the order of medical rejection for being considered to the appointment on the post of Sub Inspector (Works) in Border Security Force.

2. Pursuant to medical examination dated 18.5.2019, Annexure P-1, the petitioner was, inter alia, rejected on the ground of suffering from Tachycardia having heart beat 126/min as against the medically prescribed limit of 200/min. While rejecting the petitioner on medical ground, he was also advised to apply for review medical examination after obtaining medical certificate from a medical practitioner. Pursuant thereto, the petitioner had himself examined at Civil Hospital, Jhajjar and vide medical certificate dated 15.7.2019, Annexure P-3, it was certified that his heart rate was found to be 75/min after conducting ECG. The petitioner thereafter, approached the respondents and once again a review medical examination was conducted wherein the petitioner was declared unfit owing to having heart beat of 108/min. The petitioner once again, had himself examined this time at PGI, Rohtak where another ECG was carried out and his heart rate

was found to be 75/min.

3 Learned counsel for the petitioner submits that the error in review medical examination essentially arose out of the fact that though the ECG was recorded as normal while recording his heart beat, but instead of relying on the ECG report, they recorded his pulse rate of 108/min as heart beat rate.

4 Notice of motion.

5 On advance service of copy of the petition, Mr.Nikhil K. Chopra, Senior standing Counsel accepts notice on behalf of respondents-UOI.

6 However, given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7 I have perused the medical certificates and the reasons recorded therein for rejection of the petitioner. The same seem to be self contradictory. On the one hand, the ECG of the petitioner has been clearly recorded as within the normal limit but on the other hand, the pulse rate which was found to be 108/min has been entered against the column meant for heart rate wherein same pulse rate of 108/min has been recorded to be as heart beat. Even otherwise, when the petitioner had got himself examined at Civil Hospital at Jhajjar followed by PGI, Rohtak, as per ECG carried out on him in the said hospitals, his heart rate was found to be 75/min/81/min on both occasions.

8 In order to meet the end of justice and balance to the equities, the respondents are directed to conduct a fresh medical examination upon

the petitioner particularly with respect to his heart beat by constituting a medical board, (team of experts) either at the Army Hospital Research and Referral Institute or any other institute/ hospital of their choice.

9. Let the needful be done within 30 days from from the receipt of the certified copy of the order.

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

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

[ARUN MONGA]
JUDGE

30.08.2019

sd

Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No