

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.226

**CWP No.5448 of 2017
DECIDED ON: 13.09.2019**

RAHUL

..PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Ms. Sheenu Sura, Advocate, for the respondents.

ARUN MONGA, J. (ORAL)

Petitioner herein is aggrieved on his being declared medically unfit due to Sinus Tachy Cardia by Medical Board as well as the Appeal Medical Board vide medical certificates dated 26.07.2016 and 26.08.2016 Annexure P-3 & P-6, respectively, constituted by the Indian Air Force for the purpose of selection as Airman.

2. Learned counsel for the petitioner contends that after his rejection, petitioner subsequently got himself medically examined at Postgraduate Institute of Medical Education and Research, Chandigarh (for short 'PGIMER') where he was declared fit, as per medical certificates Annexure P-7 (colly). Learned counsel for the petitioner contends that petitioner is entitled for one more opportunity to prove his medical fitness.

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3. *Per contra*, learned counsel for the respondents contends that petitioner has been rightly declared unfit by the Appeal Medical Board vide order dated 26.08.2016 (Annexure P-6).

4. Learned counsel for the petitioner relies on a Division Bench judgment of this Court where, in a similar situation, in LPA No.654 of 2015 his Lordship Surya Kant, J. (as he then was) speaking for the Bench observed as below:-

“In view of the fact that the appellant has been declared medically fit by the Medical Boards constituted by the Post Graduate Institute of Medical Education and Research, Chandigarh and All India Institute of Medical Sciences, New Delhi vide certificates dated 25.03.2015 [P-5] and 05th May, 2015 [Photostat copy placed on record], we are of the considered view that the respondent – Authorities are required to either constitute a Review Medical Board to re-consider the medical fitness of the appellant or they may verify the original medical certificates relied upon by the appellant. Let an appropriate decision in this regard be taken within one week and if the appellant is found medically fit, desirability of offering him appointment shall also be considered within one month thereafter.”

5. In the light of above views, I am inclined to agree to the contention of learned counsel for the petitioner. Accordingly, petition is disposed of with the direction to respondent(s)/ Commanding Officer, Airmen Selection Centre, Ambala Cantt (Haryana) to refer the petitioner to the Army Research and Referral Hospital, New Delhi for re-examination by

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a board of experts which shall include the relevant specialists to assess the medical fitness of the petitioner.

6. Needless to say that the Medical Board so constituted is at liberty to conduct any test as it deems appropriate. The selection process to be carried out shall abide by medical report furnished pursuant to the medical examination of the candidates by the Army Research and Referral Hospital, New Delhi.

7. It is expected that the Medical Board, as directed above, shall be constituted as expeditiously as possible. It is also made clear that the result of the medical examination, per se, would not be construed as conferring any right on the petitioner for his appointment.

8. With these observations, writ petition is disposed of.

13.09.2019

Ankur

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No