

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

**CWP NO. 8234 of 2017(O&M)
DATE OF DECISION : 11.04.2019**

Balram

... Petitioner

versus

Union of India & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Navneet Jindal, Advocate,
for the petitioner.

Mr. Rajiv Verma, Advocate
for Union of India-respondents.

ARUN MONGA, J.

1. The petitioner participated in the selection process for the post of Constable (Driver) in ITBP Force. However, his candidature was rejected on the ground that during medical examination he was found having bony deformity of left ring finger.

2. The grouse of the petitioner is that he had confronted the authorities with the fitness certificate issued by the Medical Officer, Civil Hospital Kaithal, but the same was discarded and he appeared before the Review Medical Board, but the report thereof was not provided to him and his request was turned down in an arbitrary manner.

3. The respondents in their reply have reiterated that the petitioner was found medically unfit by the Medical Board as well as Review Medical Board to become the part of the Force and the fitness certificate issued by a doctor, not acquainted with the medical regulations of Force, cannot be

given weight-age over and above the opinion given by the Medical Experts of Force.

4. I have heard learned counsel for the parties and have gone through the record carefully.

5. There is force in the submission of learned counsel for the petitioner that there are conflicting medical reports about the physical fitness status of the petitioner. He has also relied upon directions issued by this Court in LPA No.346 of 2016, CWP No. 9153 of 2014 and CWP No. 23301 of 2014, wherein the cases of similarly situated candidates were ordered to be re-examined in the light of conflicting medical reports.

6. The fitness certificate (Annexure P-5) issued to the petitioner is by the Medical Officer of the Government Hospital. In the light of the fact that there are conflicting medical opinions, this Court is of the view that the prayer of the petitioner for his medical re-examination deserves to be allowed.

7. In view of the discussion above, the respondents are directed to get the petitioner medically examined afresh at any hospital of their choice, preferably at All India Institute of Medical Sciences, New Delhi. The needful be done within a period of three months from the date of receipt of a certified copy of this order.

8. Disposed of.

(ARUN MONGA)
JUDGE

April 11, 2019
Jiten

1. Whether speaking/ reasoned: Yes/ No

2. Whether reportable: Yes/ No