

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

CWP No.25571-2019

DATE OF DECISION : 12.09.2019

Balraj

...Petitioner

Versus

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Vivek Chauhan, Advocate
for respondent-UOI.

ARUN MONGA, J.(ORAL)

1. The present writ petition has been filed for issuance writ in the nature of certiorari seeking to quash medical certificate dated 10.04.2019 (Annexure P-3) vide which petitioner has been declared as medically unfit.

2. Succinctly, the facts. Petitioner applied for the post of Sailor in Indian Navy, as per the advertisement published by the respondents. Petitioner being eligible was allowed to participate in the written test, followed by physical fitness examination and the interview. Being successful in written examination, physical fitness examination and interview, he was medically examined but was declared unfit therein. He was referred to the Review Medical Board for medical examination. Review Medical Board has also declared him unfit on account of 'Left Ear Audio Logical fualuation' vide Annexure P-3.

3. Petitioner, in the premise, got himself medically examined from Post Graduate Institute of Medical Education and Science, Chandigarh (PGI,

Chandigarh) and PGIMS, Rohtak and was issued medical certificate (Annexure P-4 colly) declaring him to be medically fit from the ailment of 'Left Ear Audio Logical fualuation'.

4. The respondents have controverted the stand of the petitioner saying that the medical criteria for the post in question is higher than most other posts as it is an Armed Force and that the decision of the appeal board is final and binding.

5. I have heard counsel for both the parties and have gone through the pleadings.

6. In view of the conflicting medical reports, the respondents are directed to conduct fresh medical examination of the petitioner, by constituting a medical board of experts at any hospital of their choice, preferably at Army Research and Referral Hospital, New Delhi.

7. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

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

12.09.2019

Harish Kumar

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No