

CWP-7477-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7477-2018

Date of Decision: February 26, 2019

Dinesh Kumar

... Petitioner

vs.

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Chanderhas Yadav, Advocate, for the petitioner.

Mr. Karan Singla, Advocate, for the respondent(s).

ARUN MONGA, J

1. The present petition has been filed for issuance of a writ in the nature of *certiorari* to quash the medical certificate dated 16.09.2017 (Annexure P7) followed by another medical certificate dated 04.01.2018 (Annexure P12). Whereby, the petitioner was declared medically unfit in view of having been diagnosed with 'nasal polyp and High Arched Palate', as reflected from the medical certificate issued by Senior Medical Officer of BSF and re-affirmed by the Review Medical Board, constituted by three Medical Officers of BSF.

2. Learned counsel for the petitioner contends that in the Review Medical Board, no ENT specialist was associated. He further states that the petitioner had also got himself medically examined at Civil Hospital, Rewari. As per the medical certificate issued by Medical Board, General Hospital, Rewari, it has been opined that there has been an error of judgment in diagnosing the petitioner with 'nasal polyp'. He further submits that the petitioner has a legal notice dated 11.01.2018 (Annexure P13) to the respondent(s), but to no avail.

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3. Keeping in view the peculiar circumstances, I deem it appropriate to direct the respondent(s) to conduct a fresh medical examination of the petitioner by associating an ENT specialist in Medical Board, preferably either at Army Research and Review Institute at New Delhi or All India Institute of Medical Sciences at New Delhi or at Postgraduate Institute of Medical Education and Research, Chandigarh, as per the choice of the respondent(s). Let the needful be done within a period of two months from the date of receipt of certified copy of this order.

4. Accordingly, the present petition is disposed of.

February 26, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No