

Sr. No.114

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

**CWP No.30427 of 2019 (O&M)
Date of Decision: 31.10.2019**

Deepika

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Pawan Kumar Hooda, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General with
Mr. Vipul Aggarwal, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

1. Medical record of the petitioner as Annexure P-9 (colly.) is taken on record, in course of hearing.
2. Registry is directed to tag the same at appropriate place.
3. Petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to hold the Review Medical Board by some Independent Medical Board.
4. Succinctly, the facts are that the petitioner applied for the post of Soldier GD (Women Military Police) as per the advertisement (Annexure P-2), which was published by the respondents. She possessed the requisite qualifications for the post and was held eligible. She was finally called for a Medical

test. To the surprise of the petitioner, she was declared medically unfit in three disability i.e. a) Flat Foot (l) b) Tympanosclerosis RT Ear c) Anal Tag vide (Annexure P-6).

5. The petitioner was directed to re-appear for re-medical on or before 13.09.2019. Petitioner was then declared fit in two points i.e. a) Flat Foot (L) b) Tympanosclerosis RT Ear but she was declared unfit qua Anal Tag.

6. The petitioner got herself medically examined from Government Hospital, PGIMS Rohtak, wherein no anal symptoms were found in her medical examination vide Annexure P-9 (colly.).

7. Notice of motion.

8. On advance service of the petition, Mr. Satya Pal Jain, Senior Advocate assisted by Mr. Vipul Aggarwal, Advocate appears and accepts notice on behalf of the respondents-Union of India.

9. The respondents have opposed the claim of the petitioner by saying that decision of the Review Medical Board is final and binding.

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

11. In view of the conflicting medical reports, it would be appropriate if the respondents are directed to conduct fresh medical examination of the petitioner, at any hospital of their choice.

12. It is, however, made clear that direction is given to conduct fresh medical examination of the petitioner without

expressing any opinion on the merits of medical fitness of the petitioner.

13. Petitioner shall report at the Command Hospital, Chandimandir, Chandigarh on 11.11.2019 at 10:00 a.m. before the Registrar of the Hospital for fresh medical examination.

14. In case, petitioner is found medically fit by the Medical Board, she shall be accorded benefit of her merit and appropriate order shall be passed accordingly subject, of course, to any vacancy being available qua the post for which petitioner had applied. Let the needful be done within a period of two months thereafter.

15. Disposed of in above terms.

31.10.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No