

Sr. No.115

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

**CWP No.29848 of 2019 (O&M)
Date of Decision: 17.10.2019**

Naveen Kumar

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Surender Pal, Advocate,
for the petitioner.

Mr. Pawan Kumar Longia, Sr. Panel Counsel,
for respondents-UI.

ARUN MONGA, J.(ORAL)

Petitioner herein seeks issuance of a writ in the nature of certiorari to quash orders dated 17.05.2019 and 04.07.2019 Annexures P-3 and P-6 respectively, vide which the petitioner was declared medically unfit for the post of Constable/Driver in CISF. Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to consider his candidature and appoint him on the post of Constable/Driver.

2. Succinctly, the facts are that the petitioner applied for the post of Constable/Driver as per the advertisement (Annexure P-1), which was published by the respondents. He possessed the requisite qualifications for the post and was held eligible. Having cleared all the stages of the selection process, he was finally called for a Medical test. To the surprise of the petitioner, he was

declared medically unfit vide Annexure P-3, by saying that Varicose Vein in (R+) Lower limb and X Ray Chest shows few ill defined Radio Opacities in (left) Upper and Mid zone.

3. The petitioner went in appeal against this decision of the Medical Board but the Appellate Board found him to be unfit on account of having deep varicose veins in (R+) Lower Limb vide Annexure P-6.

4. The petitioner got himself medically examined from Government Civil Hospital, Narnaul and was issued certificate dated 10.08.2019 (Annexure P-7) declaring him to be medically fit for the said post.

5. Notice of motion.

6. On advance service of the petition, Mr. Pawan Kumar Longia, Advocate appears and accepts notice on behalf of the respondents-Union of India.

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

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

9. 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, preferably at Army Research and Referral Hospital, New Delhi.

10. 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.

11. In case, petitioner is found medically fit by the Medical Board, he shall be accorded benefit of his merit and appropriate order shall be passed accordingly subject, of course, to any vacancy being available qua the post for which petitioner had applied.

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

13. Disposed of in above terms.

(ARUN MONGA)
JUDGE

17.10.2019

Janki

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No