

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

**CWP No. 22675 OF 2015
DATE OF DECISION : 08.04.2019**

Sachin

...Petitioner

versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Baljinder Singh, Advocate
for the petitioner

Mr. P.S. Kanwar, Senior Panel Counsel,
for respondent-UOI

ARUN MONGA, J. (ORAL)

1. The present writ petition has been filed for issuance of a writ in the nature of mandamus to direct the respondents to appoint the petitioner as Airman in Indian Air Force as he was wrongly declared medically unfit.

2. Succinctly, the facts are that the petitioner applied for the post of Airman 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 to sit in the written test to be conducted by the respondents. 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 by certificate dated 08.07.2015 (Annexure P-2), on the ground of having Sub-standard Vision, Cubitus Valgus both elbows and Lumbar Lordosis. The petitioner went in appeal against this decision of the medical board but the appellate board found him to be unfit on the ground of having Sub-

standard Vision vide certificate dated 03.09.2015 (Annexure P-2).

3. The petitioner got himself medically examined from PGIMS, Rohtak and was issued certificate dated 11.09.2015 (Annexure P-3), declaring him to be medically fit as per the policy of the respondents. The petitioner then made representation dated 15.09.2015 (Annexure P-4), to the respondents, but the same was not reverted to. Hence the present writ petition.

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, 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. Ordered accordingly.

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

(ARUN MONGA)
JUDGE

APRIL 08, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No