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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12695/2019 and C.M.No. 51877/2019 (Stay)**

SANDEEP

..... Petitioner

Through: Mr.Siddharth Mittal and Mr.Prabhat
Kumar, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Pratyush Miglani with Mr. P.
Shrivastava, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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18.12.2019

1. The Petitioner was examined first on 13th July, 2019 by a three member Medical Board he was declared unfit on account of 'ECG abnormality'. For a second time he was examined on 9th August, 2019 by a graded specialist (Medicine) who recorded that 'incomplete RBBB' and referred him to the Cardiologist for a 2D Echo. The Petitioner was thereafter examined by Specialist Cardiologist on 21st August, 2019. He opined that 'in view of the ECG changes right axis deviation also RBBB, he is unfit for CVS'.

2. Learned counsel for the Petitioner argued that while the ground for unfitness was 'ECG abnormality', it changed in the Appeal Medical examination to 'ECG changes'. He referred to the final opinion of the Appeal Medical Board ('AMB') which states 'in view of ECG changes right axis deviation RBBB he is unfit for CVS'.

3. According to the learned counsel for the Petitioner ECG abnormality is not the same thing as 'ECG changes' and therefore a case is made out for the Petitioner to be referred to the R&R Centre for a further examination. Learned counsel for the Petitioner also refers the two medical examination reports given by the Specialist Cardiologist - one at the AIIMS, Jodhpur on 13th November, 2019 and the other on 22nd November, 2019 by the Associate Professor, Department of Cardiology of Mathura Das Mathur Hospital, Jodhpur. Both reports appeared to suggest that the Petitioner was fit from the cardiac side for all kinds of activities.

4. The Court is unable to go by the subsequent medical opinion particularly when the Petitioner was examined twice and on the second occasion by Specialist Cardiologist who found ECG changes as well as RBBB. The Court is, therefore, not persuaded to interfere. The petition is dismissed and the pending application is disposed of.

S.MURALIDHAR, J

TALWANT SINGH, J

DECEMBER 18, 2019

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