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

+ W.P.(C) 2709/2019

MANOJ KUMAR

..... Petitioner

Through: Mr. Sarfaraz Khan with Mr. Mirza Amir,
Adv.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Jagjit Singh with Mr. Preet Singh,
Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

19.03.2019

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C.M. No. 12506/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 2709/2019

The petitioner assails the order dated 29.11.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 4238/2012. The tribunal has rejected the said Original Application of the petitioner, wherein he had assailed his non-selection for the post of Assistant Station Master on medical grounds. The petitioner had earlier preferred O.A. No. 2099/2011. The same was disposed of on 07.12.2012 with a direction that the case of the petitioner be referred for medical examination to a Board constituted by All India Institute of Medical Sciences (AIIMS). The Board was to take into account the medical records of the petitioner. In compliance of the said order, the Board of 4 doctors, comprising Chairman and 3 Members examined the petitioner and his reports and sent their report dated 07.04.2012. On the basis of the said

report, the petitioner was again found to be medically unfit for shouldering the responsibilities of Assistant Station Master. The petitioner then approached the Tribunal once again by preferring the aforesaid Original Application, which has been rejected.

The stand of the respondents was that the medical condition from which the petitioner was suffering rendered him unfit to shoulder the onerous duties of Assistant Station Master. The submission of learned counsel for the petitioner is that he was earlier suffering from Tuberculosis, which stands completely cured and, therefore, the same could not be an impediment in the selection since he has otherwise qualified.

We find no merit in this submission. It is not for the Tribunal, or for this Court to lay down the medical criteria that the candidate should fulfil for selection/ appointment to a particular post. The said aspect falls entirely within the realm of the respondent authorities, and since the petitioner was found to be suffering from a medical condition which did not render him fit to shoulder the responsibilities of Assistant Court Master, it was not for the Tribunal and, it is certainly for this Court, to interfere with the said assessment. Pertinently, it is not the petitioner's case that there has been any arbitrariness, illegality, favouritism or discrimination in the matter of consideration of his case.

We, therefore, find no merit in this petition.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 19, 2019 / *N.Khanna*