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

+ W.P.(C) 5345/2019 and CM APPL. 23566/2019

AKSHAY YADAV

..... Petitioner

Through: Mr.Yogesh Sharma, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Rashmi Bansal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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03.07.2019

The petitioner has preferred the present writ petition, inter alia, to seek a direction to the respondents to conduct the medical re-examination of the petitioner at any Government hospital or at R&R Hospital, Army Delhi Cantt. He also seeks a direction that the declaration of his being medically unfit on account of CVS Review Techy Cardia be declared as illegal.

The petitioner responded to an advertisement dated 16.06.2018 issued by the Central Airmen Selection Board, New Delhi for the recruitment to the post of Airmen in 'X' and 'Y' Group. The petitioner appeared in the examination and was shortlisted for Phase-II examination in Group 'X'. He appeared in the said examination and was declared successful and was called for medical examination on 15.01.2019 at SMC, Palam, New Delhi. Upon medical examination, he was declared as medically unfit due to the reason

CVS Review (Cardiovascular System Review). The petitioner preferred an appeal before the Appellate Medical Board and was directed to appear on 11.02.2019. On that day, he was directed to appear before the Appellate Medical Board on 15.03.2019. He was examined by the Appellate Medical Board and once again declared unfit on account of “CVS Review Techy Cardia”. The petitioner states that the Medical Board informed him that his heartbeats were recorded as 104 beats per minute, which should have been 100 beats per minute.

The petitioner states that since he was not suffering from any such medical condition, he went to the All India Institute of Medical Sciences (AIIMS) for his check-up. He was subjected to 24-hour ECG, i.e. the Holter Test, and on that basis, the AIIMS did not find him to be suffering from any such medical condition. On that premise, the petitioner has preferred this petition and sought the aforesaid reliefs.

The respondents, who appear on advance notice, have produced the original record relating to the medical examination of the petitioner by the Appellate Medical Board. We have perused the same. In fact, the same contains a certificate issued by the candidate prior to the recruitment medical examination, wherein he acknowledges that the medical standards for Airmen are different from the standards generally acceptable, because their job requires them to serve in any part of the world, or in any type of the weather, or terrain.

Learned counsel for the petitioner submits that the petitioner was only subjected to ECG by the Appellate Medical Board, whereas the AIIMS has

conducted 24-hour ECG and found no indication of the CVS Review Techy Cardia.

There is nothing to indicate that the Appellate Board has not conducted the medical examination with due care & caution, or that it lacks in competence. There is no allegation of mala fide by the petitioner. It is not for the petitioner to claim that the Appellate Medical Board should have conducted other medical tests, and should not have relied only upon the ECG examination done by it. These matters fall entirely within the domain of medical experts, and it is not for this Court to sit in judgment over the same. The medical report produced by the petitioner from AIIMS in these circumstances, in our view, is of no avail. The AIIMS has not stated that the medical report of the Appellate Board is incorrect for any disclosed reason. The medical reports prepared by the respondents do not appear to have been placed before the doctor in AIIMS, who has issued the report relied upon by the petitioner.

We are, therefore, not inclined to interfere in the present matter.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 03, 2019

B.S. Rohella