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

+ **W.P.(C) 6662/2019 & CM APPL. 28110/2019 (Int. Directions)**

RICHHPAL CHOUKIDAR

..... Petitioner

Through: Mr Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Arun Bhardwaj and Mr Anirudh
Shukla, Advocates for UOI/R-1 to 4.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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01.10.2019

1. The Petitioner is aggrieved by the cancellation of his candidature for the post of Sailor in the Indian Navy on the ground of medical unfitness. In this particular case, the Petitioner has been found twice, i.e. by the first Medical Board and then by the Review Medical Board of the Respondents, to be suffering from loss of hearing.

2.The Petitioner has, subsequent to the above reports, got himself checked first at Sawai Mansingh Hospital in Jaipur and then at the Safdarjung Hospital in New Delhi in support of his plea that at present he suffers from no loss of hearing.

3. However, having perused the counter affidavit of the Respondents, the Court finds that both the initial medical examination on 11th February, 2019

and the review medical examination on 2nd March, 2019 confirmed that the Petitioner suffered from loss of hearing. The report of a specialist on the basis of which the second report was given has also been enclosed. It shows that there is a very thin and scarred membrane on the ear and the scarring is perhaps due to some surgery and that it is 'not mobile'. Given the nature of the tasks that a Sailor is expected to perform in the Indian Navy, which would include diving into depths in the ocean, the insistence of the Respondents that there should be no loss of hearing, and their decision finding the Petitioner unfit on that basis, does not call for interference.

4. The petition is accordingly dismissed. The pending application is also dismissed. No costs.

S. MURALIDHAR, J.

TALWANT SINGH, J.

OCTOBER 1, 2019
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