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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3952-2020 (O&M)

Date of Decision: February 26, 2020

Anuj Lamba

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.S.P.Arora, Advocate
for the petitioner.

Mr.Anil Chawla, Advocate
for respondent-UI.

.....

NIRMALJIT KAUR, J. (ORAL)

Prayer in the present petition is to issue a writ in the nature of Certiorari and set aside the Certificate dated 05.11.2019 vide which the petitioner was found as unqualified on account of being overweight.

Reply filed by the respondents is taken on record.

As per the reply, the petitioner was found overweight by 30%. The petitioner was further directed to report to MH Ambala within 21 days w.e.f. 08.11.2019 for conduct of review medical examination. The review medical examination of the candidate for both the disabilities of overweight and DNS(LT) was conducted at MH Ambala on 25.11.2019 and 02.12.2019 respectively. The petitioner was reviewed by different medical specialist and was declared fit for DNS(LT) but unfit for overweight. Therefore, the review medical examination having been already conducted, no further opportunity can be granted to the petitioner in view of Clause 18(d) of the

Notification/advertisement, placed on record as Annexure P1.

After arguing for sometime, learned counsel for the petitioner restricted his prayer only with respect to the 'height'. It is stated that his height is 171 cm as per the certificate of medical fitness placed on record by him as Annexure P10, whereas, the respondents have measured his height as 168 cm, which is incorrect.

Thus there are contradictory reports. In case his height is taken as 171 cm, his weight as measured in the review medical examination would fall within the prescribed percentage and norms. In these circumstances, the respondents are directed to conduct a fresh medical examination with respect to 'height' only by constituting a fresh medical Board for the purpose and the same be conducted at the same hospital where the petitioner had appeared for the review. In case the 'height' measured is the same as earlier, the petitioner may not be entitled to the relief claimed. However, in case the 'height' is 171 cm as per his version, the weight as per the review medical Board be taken into consideration to ascertain as to whether the same is within the parameters/ norms.

Disposed of accordingly.

February 26, 2020
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(**NIRMALJIT KAUR**)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |