

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.112

CWP No.21765 of 2020

DATE OF DECISION: December 17, 2020

DEEPAK

..PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Surender Pal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner applied for the post of Airman in the Air Force. He was medically examined after being successful in the selection process preceding the same. Vide medical certificate dated 28.08.2019 (Annexure P-7), he was declared medically fit with a stipulation that the said certificate was valid for six months from the date of issue and that he would be subjected to a re-medical examination if he was called for enrollment after six months. Call letter dated 15.11.2019 (Annexure P-8) was issued, which says that the same was provisional and that he was to report at The Airman Selection Centre, Jodhpur. The same was, however, subject to medical fitness and availability of vacancies in the order of merit. The petitioner reported as directed by the call letter on 27.12.2019 and was subjected to a medical examination on the same date. Vide certificate of even date

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Annexure P-9, he was declared medically unfit on account of being overweight. Appeal was preferred before the Appeal Medical Board but the same was rejected on 14.01.2020.

2. Aggrieved, the petitioner issued a legal notice dated 13.05.2020. No response was received and thus, he approached this Court through CWP No.10166 of 2020 which was disposed of vide order dated 20.07.2020 with a direction to the respondents to decide the legal notice. The same was decided vide order dated 18.08.2020 (Annexure P-13) wherein, it has been mentioned that in accordance with the terms of the Manual of Medical Examination and Medical Boards, a candidate had to undergo detailed medical inspection before final induction and if felt necessary by the RMO, a fresh medical examination. The prescribed standard of weight for a particular age of the candidate has also been referred to according to which for a person of 20 years of age, the weight range is 50.7-57.-63.3 Kgs. whereas the petitioner's weight was 67 kgs.

3. Learned counsel for the petitioner submits that overweight is not a ground for permanent rejection. Unfitness on the said account is only temporary in nature and if an opportunity is given to the petitioner, he would bring his weight within the prescribed standards. The petitioner is also willing to undergo a fresh medical examination. Reliance has also been placed upon the judgment dated 12.07.2017 passed in CWP No.23008 of 2015 titled as '*Vikrant vs. Union of India and others*'.

4. Having heard learned counsel for the petitioner in detail and having gone through the record with his assistance, I am not inclined to agree with him. No instruction or rule has been referred to in support of the

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argument that overweight is not a ground for permanent rejection. Weight standards are well-known and the petitioner should have been aware of the same. He should have taken adequate care to ensure that his weight did not cross the permissible limits. Merely because he was declared fit in the first medical examination does not give him a right to be declared medically fit in the subsequent examination also. No illegality has been pointed out in conduct of a subsequent medical examination and thus, I am not in agreement with the submission of the learned counsel. Reliance upon judgment in ***Vikrant (supra)*** is also misplaced as that was a case wherein the PGIMER, Chandigarh had opined that the ground for medical rejection was non-existent.

5. The writ petition is dismissed.

December 17, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No