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

+ **W.P.(C) 1428/2020**

RAHUL KUMAR

..... Petitioner

Through: Dr. Surender Singh Hooda, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Anil Dabas with Mr. Praveen
Kumar, Advocates for R-1 and R-2.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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07.02.2020

1. The Petitioner, who has been disqualified for the post of Matric Recruit in the Indian Navy on account of the presence of perforation in his left ear tympanic membrane, seeks a direction to the Respondent for his re-examination at the Army Hospital (R&R). The original medical records reveal that the Petitioner was examined not once but twice, with the same result. He was examined initially on 24th October, 2019, and the review medical examination was conducted on 14th November, 2019, when he was found unfit on the aforementioned ground.

2. Learned counsel for the Petitioner pointed out that subsequent examinations of the petitioner at Government health facilities including at the AIIMS have revealed him to be medically fit. Therefore, he submits that the Petitioner should be medically re-examined at the Army Hospital

(R&R).

3. He relies on orders dated 10th/4th August, 2010 of the Jharkhand High Court in W.P.(C) 5389/2009 (*Ramjee Kumar v.. The Union of India*), 8th September, 2016 of a Division Bench of this Court W.P.(C) 3753/2016 (*Rajesh Singh v. Union of India*), dated 4th December, 2019 of the Punjab and Haryana High Court in C.W.P. 12674/2018 (O & M) (*Amit Singh v. the Union of India*) to argue that in view of the divergence of opinions expressed by the various Government health facilities, a case is made out for sending the Petitioner for re-examination.

4. The Court is unable to agree.

5. In the Petitioner's case, on both occasions, a consistent view has been taken regarding his medical unfitness. Therefore, the decisions cited are distinguishable on facts and do not help the case of the Petitioner.

6. The petition is accordingly dismissed.

S.MURALIDHAR, J.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 7, 2020

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