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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1415/2020 & CMs No.4919/2020 (for interim relief) &
9420/2020 (u/S 151 CPC)
DR. VANI VISWANATHAN Petitioner

Through: Mr. Mukund P. Unny and Mr. Vinay
Mathew Joseph, Advs.

Versus

UNION OF INDIA & ORS Respondents
Through: Mr. Rajesh Gogna, Ms. Rahella and
Ms. Akshya Khan, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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11.03.2020

1. The petitioner, having been found unfit on medical grounds for grant of Short Service Commission in the Army Dental Corps, to work as a dentist in the Army, filed this petition seeking direction to the respondent No.3 Director General of Armed Forces Medical Service and respondent No.4 Directorate General Dental Services to allow the petitioner to be examined by constituting a Review Medical Board or any certified board of doctors who can declare the petitioner as medically fit for appointment to the Army Dental Corps.

2. The petition came up first before this Court on 7th February, 2020 when while issuing notice of the petition, it was ordered that the petitioner be granted the benefit of a Review Medical Examination at the Army (Research & Referral) Hospital by a Board comprising of at least two Orthopaedics.

3. The petitioner, in compliance thereof has been examined by a Review Medical Board and the opinion of the Board of Officers is “found to be unfit”.
4. The counsel for the respondents has in Court handed over the file in this regard which has been perused by us along with the MRI report of the petitioner.
5. The counsel for the petitioner states that the petitioner has filed CM No.9420/2020 for the petitioner or the petitioner’s medical records to be examined by an impartial third party such as a government hospital doctor or the resident doctor of the High Court or such medical authority as the Court may designate, to prove her medical fitness. It is contended that there are varying findings with respect to degree of ‘Scoliosis’ from which the petitioner suffers and thus a need, in spite of the Review Medical Board’s opinion, to seek the opinion of another authority. The counsel however fairly states that in the petition, only the relief of examination by a Review Medical Board was sought and which has already been allowed.
6. We have considered the contentions of the counsel for the petitioner.
7. Once the petitioner, seeking appointment in the Army Dental Corps, was found medically unfit to perform the tasks required and the Review Medical Board has also found her medically unfit, no case for directing yet further medical examination of the petitioner is made out. No *mala fides* are attributed to the doctors who have reported on the medical status of the petitioner.
8. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

SANGITA DHINGRA SEHGAL, J.

MARCH 11, 2020/‘bs’..
W.P.(C) 1415/2020