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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1054 Writ Petition No.6775 Of 2021

Pravin Dattatray Bhise

Versus

Union Of India And Others

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Advocate For Petitioner : Wakale Shriraj R
ASGI for respondent nos. 1 to 3 : Talhar Ajay G.

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 21-12-2021

PER COURT :

1. Mr. Wakale, learned Advocate for the petitioner, submits that the petitioner had participated in the recruitment process conducted by the respondent for the post of Soldier General Duty. The petitioner was held eligible. The petitioner qualified in all the prerequisites of the post. The petitioner was also declared physically fit. After being qualified in the medical examination, the petitioner was called to join the duty. After the petitioner's selection, lock-down was imposed because of Covid -19 pandemic. Subsequently in the month of November, the petitioner was again called for medical examination and he came to be declared unfit and disqualified. The learned Counsel submits that the petitioner got himself examined from the Civil Surgeon and the Civil Surgeon declared him physically

fit. According to the learned Counsel, the disability as per the Medical Board is of 'FFD right thumb'. The petitioner can perform all the duties necessary for the post to which he is selected.

2. Mr. Ajay Talhar, learned ASGI for respondent nos. 1 to 3 submits that the petitioner has been declared unfit by the competent Medical Board. The petitioner is not in a position to use the weapons and the arms.

3. Whether the petitioner is fit for the aforesaid post is the decision to be taken by the expert. According to the expert's opinion, the thumb of the petitioner does not bend. The deformity of the petitioner prevents him from handling any rifle/weapon system. The Medical Board has found him to be unfit.

4. The Court would not go beyond the report of the expert's.

5. In light of that, the writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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