

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

**105+207**

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**CM No. 13448-CWP of 2021 in/and  
CWP No. 11646 of 2021  
Date of decision : 6.10.2021**

**Kuldeep Singh**

**.....Petitioner**

**Vs.**

**The Union of India and others**

**.....Respondents**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Rishi Lal, Advocate, for the petitioner

Mr. Anil Chawla, Advocate, for the respondents/applicant

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**Rajbir Sehrawat, J. (Oral)**

**CM No. 13448-CWP of 2021:**

This is an application for placing on record written statement along with annexures and is seeking exemption from filing certified copies of Annexures R-1 to R-6.

For the reasons mentioned in the application, the same is allowed. Written statement along with Annexures R-1 to R-6 are taken on record and exemption from filing certifies copies thereof is granted.

**Main Case :**

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing the order dated 4.5.2021 (Annexure P-7), passed by respondent No.4, vide which the petitioner has been declared medically unfit for enrollment in Indian Navy, because the petitioner got himself examined from PGIMS, Rohtak and Medical Centre, Agroha, in which no such disease as pointed out by Navy Authorities, was reported. Further prayer of the petitioner is for issuance of

directions to the respondents to give time to the petitioner for filing appeal or re-examine the petitioner by some independent Medical Board.

At the time of issuing notice of motion, counsel for the petitioner had stated that due to late receipt of the communication of medical report of unfitness, the petitioner could not avail the remedy to be examined by the Appeal Medical Board. Hence, it was stated that the petitioner would be satisfied if he is got examined from the Appeal Medical Board of the respondents.

Counsel for the respondents has filed written statement, stating therein that the petitioner was, in fact, duly examined by the Appeal Medical Board on 12.5.2021. He was even examined by the Graded Specialist (ENT) and Classified Specialist (Dermatology). On such examination, he was found to be fit qua his problem of 'left tympanic membrane perforation (healed)'. However, the Appeal Medical Board found the petitioner to be unfit on account of another problem, i.e. 'keloid tendency (forearms)/hypertrophic scars' and 'hypopigmentation over hands/verruca vulgaris'. The said problem has been graded as a reason for unfitness as per the standards of Medical Examination as contained in para No.10 (a) to Appendix A to No. (Spl) 01/2008. Hence, this Court finds that the petitioner could not be enrolled in the force, and hence, has been rightly declared to be medically unfit.

The other argument of counsel for the petitioner is that the petitioner also got examined from PGIMS, Rohtak and that institution has not found the problem as is being reported by the Navy Medical Authorities. However, this argument of counsel for the petitioner is liable to be rejected for the simple reason that the above said Medical Institute is not a special institute

meant for carrying out special examination for recruiting force. Moreover, even this medical examination has not totally ruled out any problem with the petitioner. This court has already considered a similar situation in CWP No.9587 of 2021 decided on 22.07.2021, wherein this court had rejected a similar argument and had observed as under:

“8. Although, the counsel for the petitioners has sought to rely upon some medical examination conducted by PGIMS, Rohtak, however, that examination is of no help to the petitioners for two reasons, firstly, that medical examination does not categorically says that the deformity/deficiency pointed out by the Army/Medical Board is not present and secondly, the PGIMS, Rohtak is not the appropriate authority to certify qua the standards required to be observed for medical examination for Army recruitment.”

Accordingly; medical examination by PGIMS, Rohtak is of no relevance qua the requirements of the recruiting force. Hence, the same cannot be taken into consideration.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

**(RAJBIR SEHRAWAT)  
JUDGE**

**6.10.2021**  
*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |