

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

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IN VIRTUAL COURT

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**CWP No. 13255 of 2021
Decided on: 22.7.2021**

Lalit

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ajay Kumar, Advocate, for the petitioner

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari to quash the action/medical fitness certificate dated 6.2.2021 and unfitness certificate by Appeal Medical Board dated 22.3.2021 (Annexures P-4 and P-5), whereby the petitioner was found medically unfit. It is further prayed that the respondents be directed to conduct the medical re-examination of the petitioner.

A perusal of the record shows that the petitioner was found medically unfit for the recruitment to the post of Airman in the Indian Air Force on 3 counts; i.e. -

- 1) substandard weight;
- 2) SMR RT Nose C Synechial formation;
- 3) CVS Review.

To ensure the fairness and to make the petitioner to be objectively assessed, the petitioner was sent to the Review Medical Board. Although the Review

Medical Board has found that the two problems pointed out during the medical examination have vanished being temporary in nature, however, still one medical defect was found, which is reproduced as under :-

“CVS Review – Left Ventricular Hypertrophy”.

In view of the above, it is obvious that the petitioner has not been found fit as per the standards required for the Indian Air Force; on objective examination by the Review Medical Board as well. There is not even an iota of allegation that there was some deliberate attempt by anybody to declare the petitioner as ineligible. Hence, there is no ground to doubt the independent report given by the Review Medical Board qua the heart problem of the petitioner.

Although counsel for the petitioner has placed on record some report showing medical examination of the petitioner by PGIMS Rohtak, as well as, Agroha Medical College, however, this Court does not find the same to be of any help to the petitioner. The medical standards for recruitment to the Air Force had to be assessed by the medical specialists of the Force. Hence, any opinion, even if it is given by some medical institution; but which is contrary to the Review Medical Board of the Armed Forces, cannot be accepted; unless in case of extreme exceptional circumstances. However, this Court does not find any exceptional circumstances in the present case.

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

(RAJBIR SEHRAWAT)
JUDGE

22.7.2021

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No