

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

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**CWP No. 10818 of 2018
Date of decision : 9.9.2021**

Veer Singh

.....Petitioner

Vs.

Union of India and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. V.S. Rana, Advocate, for the petitioner

Mr. Ramesh Sharma, Advocate, for the respondent-UOI

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari quashing the unfitness memorandum dated 15.11.2017 (Annexure P-3) and review medical examination result dated 21.2.2018 (Annexure P-7), vide which the petitioner was declared medically unfit. Further prayer of the petitioner is for issuing directions to the respondents to get the medical test of the petitioner conducted.

The claim of the petitioner is that the petitioner had applied for the post of Constable/Driver in SSB under OBC Category. However, he has been wrongly rejected on the ground of medical unfitness. In the process, the petitioner had qualified the medical efficiency test and physical standard test. Documents were verified. However, on medical examination, the petitioner was described by the Recruiting Medical Officer as to be suffering from the medical deficiency called *Pectus Excavatum and Tachycardia*. Thereafter, the petitioner was examined by Appellate Medical Board. However, even the

Appellate Medical Board has found the same problem with the petitioner. Hence, the petitioner has been rejected in the process of recruitment on the ground of medical unfitness; on the above said basis. However, the petitioner is not suffering from any such problem.

A perusal of the record shows that vide order dated 2.5.2018, the PGI, Chandigarh was directed to constitute a Medical Board for examination of the petitioner and furnish an opinion qua the fitness of the petitioner. The report has been received from the PGI, Chandigarh. The Medical Board of PGI has not found any particular problem with the heart and vascular system of the petitioner. Qua the chest deformity, the report of PGI Chandigarh has observed that “*There was no significant deformity of the chest wall*”. Hence, although report of Medical Board, PGI do not point out any major problem, however, it only observes that there is no “significant” deformity in the chest wall of the petitioner. Even if this report is accepted as such, it does not rule out the problem of *Pectus Excavatum and Tachycardia* altogether.

However, since the report of Medical Board, PGI suggests the functioning of the heart and the vascular system of the petitioner to be normal, it would not be unjustified if the petitioner is re-examined by the Medical Board of the respondent Force qua his medical fitness.

Accordingly, the present petition is disposed of with a direction to respondent No.2 to constitute a Medical Board to assess the medical fitness of the petitioner once again. However, it is clarified that any opinion of the Medical Board so constituted, would be final and binding qua the claim of the petitioner.

It is further ordered that in case the petitioner is found fit in all respect; then the claim of the petitioner for enrollment/recruitment as a Constable, for which he had participated in the process of selection, shall be considered, in accordance with law.

Disposed of.

(RAJBIR SEHRAWAT)
JUDGE

9.9.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No