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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 11774/2019

VIKAS SINGH

.....Petitioner

Through: Mr.Joby P. Varghese, Advocate.

Versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr.P.S.Singh, Advocate.

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Date of Decision: 28th January, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the order dated 28th August 2018 and the subsequent Review Medical Board order dated 15th October 2018 issued by Respondent No.2, whereby Petitioner was declared unfit for joining due to 'Dextrocardia'. Petitioner further seeks a direction to the Respondents to appoint the Petitioner to the post of Constable/GD.
3. Learned Counsel for the Petitioner states that the appointment of the Petitioner to the post of Constable/GD with Respondent No.2 was rejected by the Respondents only on the ground that the heart of the Petitioner is situated on the right side instead of left (Dextrocardia). He submits that the actions on the part of the Respondents is contrary to the rules of

appointment, which stipulate that unless the medical abnormality is to such a degree that it impedes the efficient discharge of duties, it will not be considered to be a ground for rejection.

4. Learned counsel for the Petitioner submits that this Court in a similar matter titled '**Veena vs Secretary, Ministry of Home Affairs & Ors**' (Writ Petition No.8013/2018) had directed the appointment of the Petitioner therein, who was also suffering from the condition of Dextrocardia, to the post of Head Constable (Typist) with Respondent No.2 on compassionate grounds.

5. During the course of hearing, learned counsel for the Petitioner admits that, in the event, the Medical Board to be constituted by Respondent No.2 concludes that the Petitioner's congenital abnormality impedes efficient discharge of his training/duties, he would not press his appointment to the post of Constable/GD.

6. Issue notice. Mr.P.S.Singh, Advocate accepts notice on behalf of the Respondents.

7. Rule 6(20) of the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles states that a candidate can be rejected if he/she suffers from "*any congenital abnormality, so as to impede efficient discharge of training/duties*".

8. In the present case, neither the order dated 28th August, 2018 nor the Review Medical Board order dated 15th October, 2018 states that the petitioner's congenital abnormality acts as an impediment in discharge of his training/duties.

9. Consequently, this Court directs the Respondent No.2 to constitute another Review Medical Board within four weeks, with advance notice to

the Petitioner. The Petitioner shall appear before the said Board as and when directed.

10. The Review Medical Board after examining the Petitioner shall clearly opine as to whether the Petitioner's congenital abnormality namely 'Dextrocardia' impedes the efficient discharge of his training/duties.

11. Let the opinion of the Review Medical Board, after examination of the Petitioner, be communicated in writing to him within four weeks.

12. With the aforesaid liberty, the present writ petition stands disposed of.

13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

JANUARY 28, 2021
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