

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

% **Date of decision: 4th January, 2021.**

+ **W.P.(C) 11137/2020**

JITENDER YADAV **Petitioner**

Through: Mr. Satya Narayan, Adv.

Versus

UNION OF INDIA AND ORS **Respondents**

Through: Mr. Satyendra Kumar, Adv. for R-1,3,4&5 with Dr. Balamurgan N., CMO (SG), DG BSF HQ, Delhi and Mr. Sahil Sharma, DC, Law Officer, BSF.
HC/GD Sahjad Singh, CISF.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

RAJIV SAHAI ENDLAW, J.

1. On 24th December, 2020, when this writ petition first came up before us, the following order was passed:

"3. The petitioner, a candidate pursuant to the advertisement dated 3rd March, 2018 for recruitment of Sub-Inspector in Delhi Police and Central Armed Police Forces (CAPFs) and Assistant Sub-Inspector in Central Industrial Security Force (CISF), has filed this petition aggrieved from the rejection of his candidature on the ground of being medically unfit.

4. The Medical Board of the respondents found the petitioner to be suffering from hypertension. However no readings of the blood pressure of the petitioner are found in the opinion of the Medical Board. The Review/Appeal Medical

Board also found the petitioner to be suffering from Hypertension. The Review Medical Board has given three readings of the blood pressure measured of the petitioner, taken at successive intervals of 10 minutes.

5. It is the case of the petitioner that the readings of the blood pressure got taken by him elsewhere, do not show the petitioner to be suffering from Hypertension.

6. The counsel for the respondents appears on advance notice.

7. Our experience with respect to readings of measurements done of blood pressure is, and also as informed by some of medical practitioners, that the blood pressure is generally found to be raised on account of anxiety, while sitting in front of a doctor. The old school of doctors thus used to converse with the patient for a few minutes before measuring the blood pressure. The possibility thus, of the readings taken of the blood pressure of the petitioner when appearing before the Medical Board as well as the Review/Appeal Medical Board, being an aberration, cannot be ruled out. We have thus proposed, that the petitioner gets himself admitted at a hospital of the choice of the respondents, for a period of 2 or 3 days, as may be deemed proper by the medical experts of the respondents, and the blood pressure of the petitioner be measured at different hours during the course of the day, to arrive at a finding whether the petitioner indeed suffers from Hypertension. The option of attaching a Holter monitor or other equipment, to the petitioner, to take a continuous reading of his blood pressure, can also be considered.

8. The counsel for the petitioner states that the petitioner is willing for either of the options.

9. The counsel for the respondents states that he will need to take instructions.

10. We are conscious that in the recruitment process, whenever a candidate is found to be suspected of suffering from Hypertension, the aforesaid process cannot be undertaken with respect to each of the candidates, putting unnecessary pressure

on the medical institutions of the recruiting agency and it may not be possible for all candidates also to have themselves admitted to hospitals for long durations. We are thus open to any suggestions even from the respondents in this regard.

11. All that we can say, in the absence of either counsel telling us the status of the recruitment, is that in the event of the petition being allowed, the petitioner shall have to be considered further for recruitment.

12. Issue notice.

13. Notice is accepted by the counsel for the respondents.

14. List on 4th January, 2021."

2. The counsel for the respondents along with Dr. Balamurgan N., CMO (SG), DG BSF HQ, Delhi appear and Dr. Balamurgan N. has handed over following note:

"Candidate Jitender Yadav was initially examined on 22nd September, 2020 at RH ITBP Noida by the Detailed Medical Board, where his BP was recorded as 168/100 mm Hg which is very well above the normal BP. Accordingly, as per the Guidelines issued by the MHA Rectt. Medical Examination in Central Armed Police Forces, he was declared unfit (Under heading XIV. Examination of Heart and Vascular System, Examination of Blood Pressure of said Guidelines, Extract of said Guidelines attached, Annexure P/7 at page 72). As per Annexure P/9 at page 77 of WP, he was again reexamined by the Review Medical Board on 27th November, 2020 by team of Doctors where his BP was measured at frequent intervals of 10 minutes and the same was recorded 'high' i.e. 170/110 mm Hg,

160/110 mm Hg, and 170/100 mm Hg. The said candidate has undergone many series of investigation relevant to Hypertension which is showing normal results, except possibility of early signs of renal stenosis. These kind of candidates are more prone to get Hypertension at young age and lead on to many secondary complications to heart, kidney and lungs. These kind of candidates are not fit to work in high altitude and naxal prone areas."

With reference to our query in the order dated 24th December, 2020, Dr. Balamurgan N. admits that the Textbooks on Medicine have also identified "White Coat Hypertension" and admits that to avoid the same, BP has to be measured at intervals of 1 or 2 hours. He however explains that the fact that the BP of the petitioner was measured at intervals of 10 minutes each in the present case and not at the intervals of 1 or 2 hours, is not material in the present case because "the cause of BP can be related to the heart or to the kidney". The ultrasound examination of the Renal System of the petitioner, as also reflected in the report of the Review Medical Board, disclosed the petitioner to be suffering from 'Renal Artery Stenosis' and other renal issues and which was the cause of his Hypertension. With reference to our other query contained in the order dated 24th December, 2020, he states that though Holter does not monitor BP but BP can be measured otherwise, from time to time.

3. The counsel for the petitioner draws our attention to the reports of the other Medical Specialists consulted by the petitioner, to the effect that the petitioner does not suffer from Hypertension. However, the counsel for the

petitioner admits that the said reports are on the basis of measurement taken of the BP of the petitioner at the time of visiting the said Medical Specialists and not on the basis of any other examination/investigation, as done by the Review Medical Board, including of the Renal System of the petitioner.

4. The possibility of the petitioner, before visiting the said Medical Specialists, with the aid of the medicines or otherwise, bringing his BP to within normal range, cannot be ruled out. It is for this reason only that we, in the order dated 24th December, 2020, had suggested stay of the petitioner in the medical facility of the respondents for a period of 2 or 3 days, to eliminate the possibility of the petitioner, with the aid of medicines, bringing his BP within normal limits on a single day.

5. The counsel for the petitioner has no answer to the same.

6. We also find that none of the other medical practitioners consulted by the petitioner have commented or reported adversely to the findings of the Review Medical Board on the basis of ultrasound of the Renal System of the petitioner, finding the petitioner to be suffering from Renal Artery Stenosis.

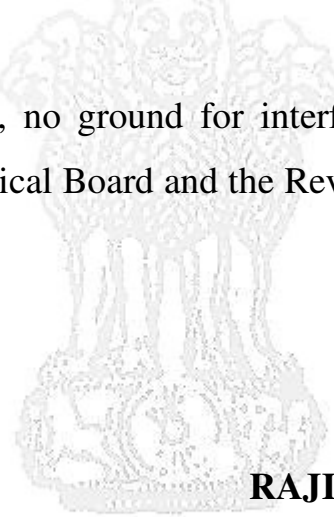
7. The counsel for the petitioner states that since it is a matter of employment, another opinion may be permitted to be taken, as done in a number of other orders/judgments.

8. We have, in *Akash Sharma Vs. Union of India* MANU/DE/2069/2020, *Priti Yadav Vs. Union of India* 2020 SCC OnLine Del 951, *Jonu Tiwari Vs. Union of India* 2020 SCC OnLine Del 855 [Special Leave Petition (Civil) 13492/2020 whereagainst was dismissed on 17th December, 2020], *Nishant Kumar Vs. Union of India* 2020 SCC OnLine Del 808, *Sharvan Kumar Rai Vs. Union of India* 2020 SCC

OnLine Del 924 and *Vani Viswanathan Vs. Union of India* MANU/DE/1678/2020 held that order for another medical opinion, beyond the scope of the recruitment procedure, is not to be passed at the mere asking of the petitioner and without pleading specific facts creating a suspicion as to the veracity of the opinion of the Medical Board and the Review Medical Board. The petitioner, in the present case, has not pleaded any such facts and rather, the findings of the Review Medical Board of the cause of Hypertension of the petitioner have remained un-rebutted by the petitioner as well as by the other Medical Specialists consulted by the petitioner.

9. In the circumstances, no ground for interfering with the consistent medical opinion of the Medical Board and the Review Medical Board of the respondents is made out.

10. Dismissed.


RAJIV SAHAI ENDLAW, J.


ASHA MENON, J.

JANUARY 4, 2021
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