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

Date of Decision: 17.12.2021

+ W.P. (C) 13137/2021 & CM 41427/2021

AKSHAY SURI

..... Petitioner

Through Mr.Amit Kaushik and
Ms.Bhateri Devi, Advs.

versus

CENTRAL RESERVE POLICE FORCE & ORS.

..... Respondents

Through Mr.Ajay Digpaul, CGSC with
Mr.Kamal R.Digpaul, Adv. for
UOI with Dr. Amarnath Kumar,
CRPF, DC/SMO & Dr.
Naishadh J.Jivrajani, BSF, DC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

1. The petitioner had applied for the 'Delhi Police, CAPFs and Assistant Sub-Inspector in CISF Examination, 2019'.

2. The petitioner was declared medically unfit for appointment in the Detailed Medical Examination on the following grounds:-

1. DOV BE – 6/12 Rt, 6/9 Lt
2. Tremor
3. Helix Vulgus (Rt)

3. The respondents thereafter referred the petitioner for medical examination to the Jawahar Lal Nehru Hospital, Ajmer (hereinafter referred to as 'JLN Hospital'). It is the case of the petitioner that during such examination the petitioner was found to be medically fit, however, inspite of the same in the Review Medical Examination the petitioner was declared unfit due to Helix Vulgus (Rt).

4. Pursuant to the order of this Court dated 03.12.2021, the respondents have produced before us the original medical record of the petitioner. The doctors of the Review Medical Examination Board are also present in Court today.

5. The medical documents produced by the respondents shows that the JLN Hospital, vide a report dated 23.10.2021, had found the petitioner to be orthopedically fit. The doctors who are present in Court explain that the petitioner was not referred to the JLN Hospital for an orthopedic opinion, but only for an X-Ray. They submit that there is an over-writing on the referral letter so as to include an orthopedic opinion. The doctors submit that in any case, the said opinion is not binding on the respondents as the civilian doctor would not be in a position to ascertain the standards required for appointment in the respondent service.

6. Be that as it may, as we have an opinion from the JLN Hospital which declares the petitioner to be orthopedically fit, in the peculiar facts of the present case, we are of the opinion that petitioner should

be examined by the Army R&R Hospital, New Delhi (hereinafter referred to as 'R&R Hospital') for his alleged Helix Vulgus (Rt). For this purpose, the respondent shall request the R&R Hospital to constitute a Board of doctors consisting of a specialist Orthopedic and give an appointment to the petitioner for being examined within a period of ten days from today. The report of the R&R Hospital shall be considered as final, with no party being allowed to challenge the same. The respondent shall act upon the appointment application of the petitioner in accordance with the report that is received from the R&R Hospital within a period of two weeks from the receipt of the report. The report received from the R&R Hospital shall also be shared with the petitioner.

7. The petition is disposed of with the above directions.

8. The original medical record of the petitioner is returned back to the respondents.

NAVIN CHAWLA, J

MANMOHAN, J

DECEMBER 17, 2021/rv