

\$~77

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

Date of Decision: 17.12.2021

+ W.P.(C) 13138/2021 & CM APPL. 41430/2021

ARCHIT SHARMA

..... Petitioner

Through: Mr.Amit Kaushik & Ms.Bhateri
Devi, Advs.

versus

CENTRAL RESERVE POLICE FORCE AND ORS

..... Respondents

Through: Mr.Anurag Ahluwalia, CGSC
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 unfit for appointment during the Detailed Medical Examination on the following grounds:-

1. Overweight 3.5 kg
2. Chronic dermatitis of buttocks and back area

3. Cubitus Valgus

3. It is the case of the petitioner that the petitioner was thereafter referred to the Jawahar Lal Nehru Hospital, Ajmer (hereinafter referred to as 'JLN Hospital') for further examination. The petitioner contends that during such examination, the petitioner was found to be medically fit. The petitioner contends that inspite of the said report finding the petitioner to be medically fit, the petitioner was again declared medically unfit on the ground of 'Cubitus Valgus' by the Review Medical Examination Board.

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 who constituted the Review Medical Board are also present in the Court today.

5. Upon perusal of the medical record, we find that the petitioner was referred to JLN Hospital for an opinion from an Orthopaedic on 'Cubitus Valgus'. There is also a certificate dated 23.10.2021 issued by the JLN Hospital, opining the petitioner to be fit orthopedically fit.

6. The doctors present in Court explain that they had carried out a goniometry test on the petitioner, which does not seem to have been carried out by the doctors at JLN Hospital. They submit that for this reason the opinion of the JLN Hospital cannot be relied upon.

7. 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 Cubitus Valgus. For this purpose, the respondent shall request the R&R Hospital to constitute a Board of doctors consisting of a specialist Orthopaedic 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.

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

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

NAVIN CHAWLA, J

MANMOHAN, J

DECEMBER 17, 2021/rv