

\$~80

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 17th December, 2021

+ **W.P.(C) 13170/2021**

PEEYUSH YADAV Petitioner
Through: Mr.Rakesh Kumar Yadav, Adv.

versus

UNION OF INDIA THROUGH SECRETARY & ORS.
..... Respondents
Through: Mr.Nawal Kishore Jha, SPC
with Mr.Akshat Singh, GP &
Mr.Anurag Vijay, Adv. 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:-
 - i) Cubitus Valgus
 - ii) Right 4th toe deformity

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 in 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 unfit on the same grounds, that is, 'cubitus valgus' and 'right 4th toe deformity' 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 Orthopaedic on 'cubitus valgus' and 'right 4th toe deformity'. There is also a certificate dated 26.10.2021 issued by the JLN Hospital opining the petitioner to be fit orthopedically. It also records that the x-ray of the right foot is normal and so as the carrying angle.

6. The doctors present in Court explain that the examination conducted by the JLN Hospital cannot be accepted as the certificate does not mention the carrying angle in the report and in any case, the petitioner seems to have been examined from a civilian angle.

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' and 'right 4th toe deformity'. 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.

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