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

Date of Decision: 03.12.2021

+ **W.P. (C) 13679/2021**

AYUSH PANDEY

..... Petitioner

Through Mr. Pawan Prakash Pathak, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Naginder Benipal, Sr. Panel
with Ms. Rupali Kapoor, Adv.
for UOI.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

1. The present petition has been filed by the petitioner praying for a direction to the respondents to conduct Medical Re-Examination by the Appeal Medical Board at the Air Force Hospital, Agra for enrollment in the Indian Air Force.

2. It is the case of the petitioner that the petitioner applied for the post of Airman (Non-Technical Post), Grade Y in the Indian Air Force. The petitioner, upon clearing Phase-I of the recruitment process, was directed to appear for the Phase II of the same and was allotted Chest No. 147, Selection Centre, Bhopal.

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3. The petitioner, vide order dated 06.02.2021, was examined and declared medically unfit on account of Flat Foot, Haemorrhoid Grade III and Left Turbinate Hypertrophy. Aggrieved by the decision of the Medical Examination, the petitioner applied for Appeal Medical Board. At the stage of the Appeal Medical Board, vide order dated 09.07.2021, the petitioner was again declared medically unfit on the ground of Haemorrhoid Grade III.

4. The learned counsel for the petitioner submits that between the period of the Medical Examination and the Appeal Medical Board, the petitioner had undergone laproscopic surgery for removal of Haemorrhoid Grade III on 20.02.2021 at Vedanta Hospital, Kanpur. The petitioner further placed on record prescriptions following his surgery, confirming the same.

5. We have considered the submissions made and find no merit in the same.

6. Upon perusal of the prescriptions and post-surgery consultations of the petitioner by his doctors, it was observed that the Haemorrhoids had merely shrunk and that the petitioner was not completely cured of the ailment. Mere shrinking does not amount to medical fitness to be considered eligible for the post of Airman (Non-Technical Post), Grade Y in the Indian Air Force.

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7. Even otherwise, the Appeal Medical Board is merely to ensure that no error is made by the original Medical Board in examining the candidate. Once the Appeal Medical Board has confirmed the finding of the original Medical Board, especially through a specialist, we find no reason to doubt the same. In fact, the very fact that the petitioner had to undergo a procedure for curing his ailment proves that the opinion of the original Medical Board was correct and no Appeal Medical Board was even called for to be conducted.

8. In view of the above, we find no merit in the present petition, the same is dismissed.

NAVIN CHAWLA, J

MANMOHAN, J

DECEMBER 3, 2021/AB

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