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

+ W.P.(C) 14694/2021 & C.M.No.46266/2021

MANDEEP KUMAR

..... Petitioner

Through Mr.D.K.Garg with Mr.Dhananjay
Garg and Mr.Abhishek Garg,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr.Rishabh Sahu with Mr.Abhishek
Khanna, Advocates.

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Date of Decision: 20th December, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVING CHAWLA

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed challenging the memorandum of unfitness dated 15th November, 2021 and the Review medical examination report dated 17th November, 2021 whereby the Petitioner has been declared medically unfit on account of Deviated Nasal Septum right side (DNS right side). Petitioner also seeks directions to the Respondents to recruit the Petitioner as head constable (ministerial) since he has been declared fit by the Medical Officer, Department of ENT, MA Civil Hospital, Hisar.

2. Learned counsel for the Petitioner states that the Petitioner applied for the post of Head Constable (Ministerial) in the Shashastra Seema Bal [SSB] on 04th September, 2018. He states that as part of the recruitment process, the Petitioner was called for detailed medical examination on 13th November, 2021.

3. He states that in the said medical examination, the Petitioner was given the impugned Memorandum of unfitness dated 15th November, 2021 by the Assistant Commandant (Med), Board -1, on the grounds of DNS right side and Dental Fluorosis and the Petitioner was referred for Review Medical Examination on the said two issues.

4. He states that the Petitioner underwent his Review Medical Examination on 16th/17th November 2021 wherein he was again declared unfit on account of DNS right side.

5. He states that the Petitioner subsequently underwent surgery to get the issue of DNS right side rectified in the Civil Hospital, Hisar, Haryana on 27th November, 2021 and has been issued a certificate of fitness dated 02nd December, 2021.

6. Having heard learned counsel for the Petitioner, this Court is of the view that the certificate of fitness dated 02nd December, 2021 confirms the fact that the Petitioner was medically unfit on 15th and 17th November, 2021 inasmuch as the Petitioner had been subsequently operated for DNS right side on 27th November, 2021. Consequently, on the date the Petitioner was medically examined, he was unfit.

7. In view thereof, there is nothing illegal or irregular with regard to the decision making process of the Respondents, which this Court alone examines in writ jurisdiction. Finding no error in the decision of the

Respondents, the present writ petition along with pending application is dismissed with liberty to the Petitioner to apply for the next batch of Head Constable (Ministerial) in SSB, if eligible, in accordance with law.

MANMOHAN, J

NAVIN CHAWLA, J

**DECEMBER 20, 2021
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