

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

105+234

CWP No.8785 of 2021 (O&M)  
DATE OF DECISION: 01<sup>st</sup> APRIL, 2022

**Ravi Kant Yadav**

.... **Petitioner**

**Versus**

**Union of India and others**

.... **Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Sachin Bhardwaj, Advocate for  
Mr. Rohit Mittal, Advocate,  
for the petitioners.

Mr. Shivoy Dhir, Advocate  
Senior Panel Counsel,  
for the respondents-UOI.

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**RAJBIR SEHRAWAT, J. (Oral)**

**CM-1185-CWP-2022**

Allowed, as prayed for.

**CM-1186-CWP-2022**

This is an application for placing on record the reply on behalf of the respondents.

For the reasons mentioned in the application, the same is allowed and the reply filed by the respondents is taken on record.

**Main Case**

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of

petitioner for the post of Head Constable (Radio Operation)/ Head Constable (Radio Mechanic) in Border Security Force by treating him to be fit; as he has already got medically fit on 03.10.2020 (Annexure P-3), while on 11.01.2021 (Annexure P-1) in the re-medical he has been asked to wait for six months, with certain other prayers made in the present petition.

It is not in dispute that the petitioner was otherwise selected, being in merit. However, he was declared medically unfit on account of 'External Hemorrhoid'. Under the regulations relating to the medical fitness, the petitioner could have got treatment for the said medical problem and the respondents are required to assess the petitioner after six months of the date of treatment taken by the petitioner.

The counsel for the petitioner has submitted that the petitioner has taken the treatment for the said medical condition on 28.09.2020 and he has been declared medically fit by the treating doctor. After getting medically fit, the petitioner had approached the Review Medical Board. However, the case of the petitioner was rejected as premature by observing that the petitioner had got operated upon on 28.09.2020 and he had appeared before the Board on 11.01.2021, therefore, a period of six months, being the minimum required under the regulations to see whether the medical condition is fully treated or not, the said period had not expired by that date. The counsel has further submitted that a representation dated 19/20.01.2021 (Annexure P-6); requesting the authorities to re-assess him after expiry of period of six months, has already been made by the petitioner. But after 11.01.2021,

the petitioner has not been medically re-examined and re-assessed qua his medical condition and medical fitness.

The above said factual aspects have not even been disputed by the counsel for the respondents.

In view of the above, it would not be unjustified to direct the respondents to medically re-examine the petitioner and to re-assess his medical fitness and to consider him for selection and appointment, in accordance with his merit, subject to the other conditions of eligibility as applicable to all other candidates.

Accordingly, the present writ petition is disposed of with a direction to the respondents-authorities/their Medical Board to medically re-examine the petitioner and if he is found medically fit, then he be considered for appointment in accordance with his merit, but subject to other conditions of eligibility; as applicable as on the date as has been seen in case of other candidate selected and appointed in the same selection.

All pending miscellaneous applications, if any, are also disposed of as such.

**01<sup>st</sup> APRIL, 2022**  
*'sandeep'*

**(RAJBIR SEHRAWAT)**  
**JUDGE**

*Whether speaking/reasoned:*                      *Yes*                      *No*

*Whether Reportable:*                                      *Yes*                      *No*