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

% ***Date of decision: 20.05.2022***

+ **W.P.(C) 7803/2022**

MANOJ KUMAR SINGH Petitioner

Through: Mr. Amit Kaushik, Advocate
versus

BORDER SECURITY FORCE AND ORS. Respondents

Through: Mr. Vijay Joshi and Mr. Anirudh
Shukla, Advocates alongwith Ms.
Dimple Kumar, ASI

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

CM APPL. 23876/2022 (exemption)

1. Allowed subject to all just exceptions.
2. The application is accordingly disposed of.

W.P.(C) 7803/2022 & CM APPL.23875/2022 (stay)

3. By way of present writ petition, the petitioner seeks following reliefs:

*“a. Set-aside the decision dated 30.04.2022 of the Respondent No. 1 declaring the Petitioner as Unfit; and/or
b. Direct the Respondents to allow the Petitioner to participate in the Documents Verification to be conducted; and/or
c. Direct the Respondent No.1 to place on record the reference paper made by the Respondent No.1 and the medical test and medical reports of the Petitioner as conducted by the Sacred Heart Hospital under the supervision of the Respondent No. 1; and/or*



- d. Direct the Respondents to medically re-examine the Petitioner within a time bound manner; and/or*
- e. Direct the Respondents to stay the process of recruitment until the present petition is disposed; and/or*
- f. Direct the Respondents to reserve seats for the Petitioner in the merit list which may be prepared during the pendency of the present Petition; and/or*
- g. Direct the Respondents to subject the final result which may be declared to the outcome of the present petition; and/or.”*

4. Learned counsel for petitioner submits that the respondent No.1 initially conducted detailed Medical Examination of the petitioner and declared him unfit on the ground of Scar Mark (about 9.5 x 1.5 cm) present over Right Upper Chest; Supplementary nipple over (B/L) Chest and a Scar Mark (about 10 x 7 cm) present over light thigh (medical aspect) and *leucodema of glans penis*. Thereafter, the Review Medical Board declared the petitioner as unfit on two out of four grounds (*Supernumerary nipple present; Vetilago of glans penis*) without considering the report of Sacred Heart Hospital and without taking into consideration any report from any other hospital. Hence, the present petition has been filed.

5. Notice issued.

6. Learned counsel for respondents accepts notice and on instructions submits that there is no merit in the contention of the petitioner because after considering the report from Sacred Heart Hospital, the petitioner was



declared unfit for the selection process by the Review Medical Board.

7. However, without going into the controversy, we hereby direct the Incharge, RR Hospital, New Delhi to constitute a fresh Medical Board to re-conduct the medical test of petitioner within one week from today. The date of test shall be conveyed to petitioner in advance and the petitioner is directed to appear before the said Medical Board.

8. It is made clear that if the petitioner is declared medically fit by the aforesaid medical board, he shall be allowed to join the further selection process for the post in question and in case he is declared unfit, no further opportunity shall be granted to him and the report of the aforesaid Medical Board shall be considered as final, since the same has been admitted by the petitioner.

9. With the aforesaid directions, the present petition stands disposed of.

10. Pending application also stands disposed of.

Copy of this order be given *dasti* under signatures of Court Master.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

MAY 20, 2022/rk