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

% ***Date of decision: 23.08.2022***

+ **W.P.(C) 12168/2022 & CM APPL. 36411-12/2022**

EX NURSING CADET SHIPRA RAI Petitioner

Through: Mr. Sumit Kumar, Advocate
versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Sarvan Kumar, Mr.
Srish Kumar Mishra, Mr. Sagar
Mehlawat and Mr. Alexander Mathai
Paikaday, Advocates
Major Partho Katyayan for
respondents

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. Vide the present petition, petitioner is seeking setting aside of the impugned Letter No. B/69026/DGMS-4B dated 27.10.2021 of rejecting request for Review Medical Board in view of different reports of the R & R Hospital and Base Hospital; setting aside of the impugned Movement Order dated 17.02.2022 whereby petitioner was not permitted to join Permanent/ Short Service Commission in The Military Nursing Service (MNS); directions to the respondents to constitute Review Medical Board consisting of independent medical professionals and to conduct review of different reports of College of Nursing Army Hospital (R&R), Delhi Cantonment Area, New Delhi-110010 (R&R Hospital) dated 27.04.2021 and Base



Hospital, Hospital Road, Chanan Singh Park, Delhi Cantonment, Delhi - 110010 dated 21.06.2021; directions to the respondents to issue joining letter to petitioner for induction of petitioner as Permanent/ Short Service Commission In The Military Nursing Service (MNS).

2. Learned counsel for petitioner submits that the present petition may be disposed of if Review Medical Board is constituted and petitioner is allowed to appear before the said board for his medical examination. Learned counsel for petitioner, on instructions, undertakes that the decision of the Review Medical Board shall be accepted as final.

3. Accordingly, without going into merits of the present petition, we hereby direct the respondents to constitute a Review Medical Board at Armed Forces Medical College, Pune within four weeks from today to conduct petitioner's medical examination, date whereof shall be communicated to him one week in advance by the competent authority. The undertaking of learned counsel for petitioner is accepted.

4. With the aforesaid directions, we dispose of the present petition along with pending applications.

5. It is made clear that if petitioner is found medically fit by the review medical board, he shall join further selection process, however, if he is found unfit, the report of the Review Medical Board shall be taken as final.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

AUGUST 23, 2022/rk