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

% ***Date of decision: November 22, 2022***

+ **W.P.(C) 16030/2022 & CM APPL. 50007/2022 (for stay)**

VINEET KUMAR MEENA Petitioner

Through: **Ms. Rani Chhabra, Advocate**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Naginder Benipal, Sr. Panel
Counsel with Mr. Prajesh Vikram
Srivastava, GP with Mr. Ankit
Siwach and Ms. Arpita Rawat,
Advocates with Asstt. Commandant
Mr. Paramveer**

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 writ petition, the petitioner is seeking quashing of Memorandum of unfitness dated 16.09.2022/17.09.2022 issued by respondent Nos.3 and 4; directions to the respondents to appoint the petitioner on the post of Constable (GD) in Central Armed Police Forces, NIA, SSR and Rifleman (GD) in Assam Rifles Examination, 2021.
2. Notice issued.
3. Learned counsel for respondents accepts notice.
4. Learned counsel for petitioner submits that the present case is fully

covered by the judgment dated 09.11.2022 passed by this Court in W.P.(C) 15302/2022 titled as ***“Shubham Sharma vs. Union of India & Ors.”*** wherein it is held as under:

“4. Learned counsel for respondents accepts notice and has opposed the present petition by submitting that right arm is saluting hand and therefore, this tattoo is not permissible as per the Office Memorandum dated 20.05.2015 issued by respondent no.2/Ministry of Home Affairs regarding revised uniform guidelines for recruitment medical examination.

5. On enquiry from the petitioner, this Court has been told that the petitioner is willing to remove the said tattoo on the right arm and that the same can be removed by a minor laser surgery. This Court also finds from the Detailed Medical Examination dated 28.09.2022 and the Review Medical Examination dated 29.09.2022 that barring the said tattoo, there were no other defects found in the petitioner.

6. Keeping in view the aforesaid position as well as in the interest of justice, we hereby dispose of the present petition by giving liberty to the petitioner to appear before the freshly constituted Medical Board of the respondents after two weeks from today after having the tattoo in the dorsum of the right hand removed and in case the petitioner is found fit by the said Medical Board, the respondents shall further process the selection of petitioner for the post in question in accordance with law.”

5. Learned counsel for the respondents submits that he has no objection if the present writ petition is also allowed in terms of what is held by this Court hereinabove.

6. In view of above, since the case of the petitioner is fully covered by the aforementioned judgment dated 09.11.2022, we hereby dispose of the present petition by giving liberty to the petitioner to appear before the freshly constituted Medical Board of the respondents after two weeks from today after having the tattoo in the dorsum of the right hand removed and in case the petitioner is found fit by the said Medical Board, the respondents shall further process the selection of petitioner for the post in question in accordance with law.

7. Pending application also stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 22, 2022/rk

