

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

127

CWP-2161-2021

Date of Decision : 07.12.2023

Ishan Sharma

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Abhimanyu Singh, Advocate
for the petitioner.

Mr. Sunil Kumar Sharma, Sr.Panel Counsel for
Mr. Lait Kumar Attri, Advocate
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 10.12.2020 (Annexure P-8) whereby his application seeking migration from Indian Navy to Indian Army has been rejected.

2. The petitioner applied for a post in Indian Navy as well as Indian Army. The petitioner was medically examined by officials of Indian Navy and he was found medically unfit. The petitioner applied for review medical examination. He was also found unfit in the review medical examination. The petitioner requested the Indian Army to consider his application on the ground that medical standards prescribed by Indian Navy are more stringent than applicable to Indian Army. The petitioner is relying upon order dated 29.03.2017 (Annexure P-6) passed by this Court in **CWP**

No.16209 of 2015 titled as “**Vishu Jain vs. Union of India and Others**”.

3. Learned counsel for the respondents submits that the facts of the present case are different from case of Vishu Jain's case (supra). The petitioner did not request to respondent, at the first instance, to consider his case in Indian Army. The petitioner approached this Court by way of CWP No.16523 of 2020 and thereafter approached authorities with a request to consider him for the post in Indian Army. The selection process has already been completed and the petitioner, at this belated stage, cannot be considered.

4. Concededly, the petitioner after rejection by Review Medical Board did not ask for consideration in Indian Army. The petitioner approached this Court in 2020 and thereafter approached the respondents with a prayer that his claim for the post may be considered in Indian Army. The seats have already been filled. There is no post lying vacant against the advertisement, thus, this Court finds itself unable to direct the respondents, at this belated stage, to consider the petitioner for the post in Indian Army especially when he was medically unfit for the post in Indian Navy.

5. In view of the above, the petition stands dismissed.

07.12.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>