

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

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CWP-12701-2022

Date of Decision: 14.12.2023

Pawan Kumar

...Petitioner

Versus

Union of India and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vipin Yadav, Advocate and
Mr. J.S. Sohal, Advocate for the petitioner

Ms. Anita Balyan, Senior Panel Counsel
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of detailed medical examination dated 28.04.2022 (Annexure P-8) and review medical examination dated 29.04.2022 (Annexure P-9).

2. The petitioner pursuant to advertisement applied for the post of Sub-Inspector in Delhi Police. The petitioner cleared the exam and thereafter, he was subjected to medical examination. In the medical examination, the petitioner was declared unfit on two counts i.e. Dental Points < 14 and extensive fungal dermatitis below buttocks. The petitioner requested and was subjected to review medical examination. The petitioner was again declared unfit vide report dated 29.04.2022.

3. Learned counsel for the petitioner submits that fungal infection is not a permanent disease whereas it is a temporary problem. It is a curable defect, thus, petitioner could not be rejected on the said ground.
4. Learned counsel for the respondents pointed out that petitioner has been rejected on two counts i.e. fungal infection and low dental points. The petitioner is not disputing medical infirmity qua dental points.
5. The petitioner has been subjected to detailed medical examination as well as review medical examination and both the medical authorities have declared him unfit. This Court cannot substitute opinion of the medical experts unless and until there is patent or manifest irregularity or illegality. In the case in hand, there is no manifest irregularity or illegality in the medical reports warranting interference of this Court.
6. In view of above facts and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

14.12.2023
Mohit Kumar

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