

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-14701-2023

Date of Decision: 14.07.2023

Ritu Yadav

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ajay Kumar, Advocate for the petitioner

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

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking quashing of medical unfitness certificate dated 06.03.2023 (Annexure P-3) and unfitness certificate 05.04.2023 (Annexure P-4) whereby petitioner has been declared medically unfit on the basis of ECG.

2. Learned counsel for the petitioner *inter alia* contends that petitioner was subjected to ECG by Medical Board, however, he was not subjected to ECG by Appellate Medical Board. The petitioner has got conducted ECG from various premier institutions including P.G.I. Rohtak and Safdarjung Hospital, New Delhi. As per medical reports enclosed with petition, the petitioner is medically fit, thus, he needs to be re-examined in view of order dated 25.11.2019 passed by this Court in *CWP-9579 of 2019* and various other orders.

3. Ms. Anita Balyan, Senior Panel Counsel, who on advance notice is present in Court for the respondents, submits that petitioner cannot be subjected to medical examination other than Armed Forces Institute. She expressed her inability to controvert order dated 25.11.2019 passed by this Court.

4. In view of peculiar facts of the present case, long list of orders passed by this Court in identical circumstances and statement of learned counsel for the respondents, the present petition is disposed of with a direction to the respondents to get the petitioner re-examined from Army (Research and Referral) Hospital, New Delhi.

As stated by learned counsel for the respondents, an intimation of date of re-examination would be sent to the petitioner.

(JAGMOHAN BANSAL)
JUDGE

14.07.2023
Mohit Kumar

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