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

% *Date of decision: 17th April, 2023*

+ W.P.(C) 4789/2023

KAMAL SINGH BISHT

..... Petitioner

Through: Mr. Sachin Kumar and Mr. Parmil
Kumar, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Avnish Singh Sr. Panel counsel
along with Mr. Gokul Sharma G.P.
and Mr. Aditya Vikram Dembla
Advocate with Mr. Sanjeev Kumar
Singh for CRPF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GAURANG KANTH

J U D G M E N T (oral)

CM APPL. 18498/2023 (Seeking exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 4789/2023 & CM APPL. 18497/2023

3. A Writ Petition under Article 226/227 of Constitution of India has been filed by the petitioner seeking following reliefs :

*“It is therefore, most respectfully prayed that in the light
of above facts and circumstances, your Lordship may*

kindly be pleased to quash the decision of review medical examination board dated 17-02-2023 constituted by Deputy Inspector General of Police, C.R.P.F. Nainital, and to issue for a direction for the Constitution of an Independent medical Board at the Army Hospital, (R & R) Delhi Cantt. Or any other Govt. Hospital to re-examine the petitioner and if the petitioner is found fit to consider his appointment to the post of Head Constable (Ministerial) in CRPF and to declare the action of the respondents declaring the petitioner as found unfit for the lack of Hemoglobin in view of the medical test reports given to the petitioner by the various hospitals/ institutions and Path Labs Stipulating the high level of the Hemoglobin. Or any other Appropriate Writ(s), Order(s) and/ or Direction(s) thereby directing the respondents to consider the claim for appointment of the petitioner on the compassionate ground, in the interest of justice. Any other relief which this Hon'ble Court of Justice may deem, fit and proper may also be granted in favour of the petitioner, in the interest of justice."

4. We hereby dispose of the present petition directing the In-charge of the Army Hospital, (R & R), Delhi Cantt. to constitute a Medical Board and examine the petitioner. As agreed by the petitioner, the Report of the Army Hospital, (R & R), Delhi Cantt. shall be final and binding.

5. We hereby make it clear that if the petitioner is found to be medically fit, the respondents are directed to allow the petitioner to join further selection process and if selected finally, his seniority shall be reckoned from his batch with all consequential benefits.

6. The petition alongwith pending applications is disposed of accordingly.

(SURESH KUMAR KAIT)
JUDGE

(GAURANG KANTH)
JUDGE

APRIL 17, 2023
va

