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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 25.05.2023

+ W.P.(C) 7342/2023

SATYA NARAYAN

..... Petitioner

Through: Mr. Aviral Chandra and Ms. Ashna
Bhagat, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Vineet Dhanda, learned CGSC
along with Mr. Vinay Yadav and Ms.
Gurleen Kaur, Advocates and Mr.
Jitender Kumar, G.P.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 28538/2023 (Seeking Exemption)

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

W.P.(C) 7342/2023 & CM APPL. 28537/2023 (stay)

3. Vide the present petition, petitioner seeks quashing of Order/declaration passed by the medical board CAPF dated 14.03.2023 and order/declaration passed by review medical board dated 15.03.2023; to allow the petitioner to appear for a fresh medical examination and if found fit, to be a part of the further selection process of appointment of Assistant Commandant in Central Armed Police Forces with all consequential

benefits-2022.

4. By way of present writ petition, petitioner is challenging his exclusion from the selection process for the post of Assistant Commandant in CAPF, through “CAPF (ACs) examination in the year 2022” due to aforesaid impugned medical reports. The petitioner underwent the physical standard test (PST), physical efficiency test (PET) and was qualified for the same which was conducted on 13th of March 2023. The medical standard test of the petitioner was conducted on 14.03.2023 and the petitioner underwent an X-Ray wherein the petitioner was declared unfit medically for the post of Assistant Commandant in CAPF-2022 for the reasons that the scan cited presence of post tuberculosis pleural thickening (LT) due to the ailment of the petitioner which he had suffered in 2016.

5. On 15th of March 2023 a CT Scan was conducted of the Petitioner at Panacea Institute of Radiology And Medical Services Pvt. Ltd. and the petitioner was again declared unfit on the Review Medical Examination by the medical board on the following ground:

“Unfit on account of Blunting of left CP angle due to pleural thickening”.

6. The Petitioner got himself check for the review of the report of Dr. Ram Manohar Lohia Hospital, New Delhi from another Government Hospital namely Deen Dayal Upadhyay Hospital New Delhi on 29th of April, 2023 and further after due check-ups the report of government hospital i.e. Dr. Ram Manohar Lohia and the Panacea Institute of Radiology and Medical Services (P) Ltd. was upheld.

7. Similar issue came before this Court in case of Kartikeya Arora vs.

Union of India & Ors. in W.P.(C) 3485/2020 and the same was decided by a Co-ordinate Bench of this Court on 02.09.2020.

8. Since the issue raised in the present petition is undisputedly same, therefore, we hereby dispose of the present writ petition by directing the respondents to facilitate the constitution of a Medical Board including pulmonary experts at the Army Hospital (R&R), New Delhi and also to facilitate the examination of the petitioner within two weeks from today and if the petitioner is found fit, he may be permitted to participate in the further selection process.

9. It is made clear that if the petitioner is found unfit by the aforesaid medical board, the decision of the medical board shall be final and no further opportunity shall be granted to him.

10. Copy of this order be transmitted to Incharge, R&R Hospital, New Delhi for information and necessary compliance.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 25, 2023/va