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

% *Date of decision: 26th May, 2023*

+ **W.P.(C) 7427/2023 & CM APPL. 28875/2023**

NIHAL SINGH

..... Petitioner

Through: Mr. Yogesh Sharma, Mr. A.K. Trivedi and Mr. Naveen Kumar, Advocates.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Shyam Sunder Rai Sr. Panel Counsel along with Mr. Abhishek Khanna G.P. and Sh. Hemendra Singh DC, Law, BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. *Vide* the present petition, petitioner is seeking following reliefs:

“a.) Quash/set aside the Rejection Slip dated 17/05/2023 declaring as illegal and arbitrary in eliminating the candidature of the petitioner in Medical examination due to Tattoo on anterior surface of right forearm (Saluting Arm).

b.) Direct the respondents to conduct a fresh Medical Board and medically examine the petitioner a fresh and if the petitioner is found fit, he may be considered and given appointment for the post of Constable (Barber) in the BSF with all consequential benefits.”

2. The case of petitioner is that petitioner was found unfit in Detailed Medical Examination dated 17.05.2023 and thereafter, in Review Medical Examination dated 17.05.2023 for the Post of Constable (Tradesman) (Male & Female) in Border Security Force, Ministry of Home Affairs, Government of India for the Year 2021-22, to which the petitioner applied for the Post of



Constable (Water Carrier), on the ground that the petitioner has a tattoo on anterior surface right forearm (saluting arm) which is not permissible.

3. Notice issued.

4. Learned counsel for respondents accepts notice and has opposed the present petition by submitting that right arm is saluting hand and, therefore, this tattoo is not permissible as per the Office Memorandum dated 20.05.2015 issued by respondent No. 1/ Ministry of Home Affairs regarding revised uniform guidelines for recruitment medical examination.

5. On enquiry from the petitioner, this Court has been told that the petitioner has fully removed the tattoo from his right forearm, the photograph after removing the tattoo is Annexure P-4 to the present petition. This Court also finds from the Detailed Medical Examination dated 17.05.2023 and the Review Medical Examination dated 17.05.2023 that barring the said tattoo, there were no other defects found in the petitioner.

6. Keeping in view the aforesaid position as well as in the interest of justice, we hereby dispose of the present petition by giving liberty to the petitioner to appear before the freshly constituted Medical Board of the respondents and in case, he is found fit by the said Medical Board, the respondents shall further process the selection of petitioner for the post in question in accordance with law.

7. With the aforesaid directions, the present petition along with pending application stands disposed of.

(SURESH KUMAR KAIT)
JUDGE



(NEENA BANSAL KRISHNA)
JUDGE

MAY 26, 2023/va

