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

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Judgment delivered on: 12.07.2023

+ W.P. (C) 9135/2023 & CM. APPL. 34754/2023

DEEPAK DAHIYA & ORS.

... PETITIONER

versus

UNION OF INDIA & ORS.

.... RESPONDENTS

Advocates who appeared in this case:

For the Petitioner: Mr. Abhay K. Bhargava and Mr. Satyarth Sinha,
Advocates.

For the Respondent: Mr. Ranvir Singh, Senior Panel Counsel with Mr.
Rudra Paliwal, Advocate and Mr. Hemendra Singh,
Deputy Commandant (Law), BSF.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn the respective review medical examination board proceedings wherein petitioners have been declared unfit on account of being overweight

2. Petitioners No.1 to 4, who are Inspectors and petitioners No.5 to 7, who are Sub-Inspector in the Border Security Forces, had



appeared pursuant to an advertisement for selection to the post of Assistant Commandant (GE) through Limited Departmental Competitive Examination. Petitioners have been found to be overweight in terms of the standards prescribed for medical examination. Petitioners were thereafter examined by the review medical board and have still been found to be overweight.

3. The review medical board proceedings of each of the petitioners show that petitioners were found to be overweight based on their height ranging from 4.25 Kgs to 14.4 Kgs after granting relaxation of 5 Kgs to each one of them, which means that petitioners were overweight by 9.25 Kgs to 19.4 Kgs.

4. Learned counsel for the petitioner submits that some time be granted to the petitioners to bring themselves within the prescribed weight limit and a fresh review medical board be conducted.

5. We are unable to accept the contention of learned counsel for petitioners as there is no procedure prescribed for granting an opportunity to an individual to get over the ailment/deficiency found by the medical board for declaring that individual as unfit.

6. Petitioners who are working as Inspectors and Sub-Inspectors respectively in the Border Security Force knew the standards prescribed by the medical guidelines and should have taken



appropriate remedial steps, if required, prior to the conduct of the medical examination. All the petitioners have been found to be overweight even after grant of relaxation of 5 Kgs as prescribed in the medical guidelines.

7. Further, it is not the contention of the petitioners that the review medical board proceedings are incorrect or that the findings recorded by the respective boards are incorrect.

8. Since rules do not permit grant of a further opportunity to an individual to rectify the ailment/deficiency, we are of the view that no opportunity can be granted to the petitioners to now reduce their weight and be subjected to a fresh medical examination.

9. In view of the above, we find no merit in the petition. The petition is accordingly dismissed.

SANJEEV SACHDEVA, J

JULY 12, 2023/NA

MANOJ JAIN, J