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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 31.07.2023

+ **W.P.(C) 9759/2023 & CM APPL. 37434/2023**

JITENDER SINGH

..... Petitioner

versus

UNION OF INDIA AND OTHERS

..... Respondents

Advocates who appeared in this case:

For the Appellant:

Mr. Brijesh Yadav, Ms. Nikita and Mr. Sandeep Yadav, Advocates.

For the Respondents:

Mr. Pradeep Kumar Jha, Senior Panel Counsel with Ms. Prerna Dhall and Mr. Karan Wadhwa, Advocates with Mr. Hemendra Singh, DC (Law), BSF.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of the Detailed Medical Examination result dated 02.06.2023 and the Review Medical Examination result dated 05.06.2023.

2. Learned counsel for the petitioner submits that the petitioner has been rejected on the ground of 'tachycardia' and Incomplete Right



Bundle Branch Block (RBBB). It has also been contended that “*Revised Uniform Guidelines for review in medical examination in Central Armed Police Forces and Assam Rifles for GOs and NGOs*” dated 31.05.2021 have not been followed in this regard.

3. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

4. With the consent of the parties, the petition is taken up for final disposal.

5. Reference may be had to the abovesaid guidelines prescribed for the Review Medical Board which, inter-alia, reads as under:

“7(e) For candidates who have been rejected on the ground of hypertension/tachycardia should have been admitted/hospitalized by the Board before giving their final opinion regarding the candidate’s fitness or otherwise. The hospitalization report should indicate whether the rise in blood pressure is of transient in nature due to excitement etc. or whether it is due to any organic disease. In all such cases X-Ray and electro-cardiographic examinations of heart and blood examinations like cholesterol/lipid profile, S. Creatinine etc. tests should also be carried out.”

6. It is not in dispute that petitioner has been declared ‘unfit’ on the ground of ‘tachycardia’. Additionally, he has been declared unfit on the ground of Incomplete Right Bundle Branch Block (RBBB). It is also not in dispute that petitioner was not hospitalized by the Review Medical Board prior to giving final opinion. The Medical Board, as per the guidelines, should have ascertained the exact cause of increased blood pressure by carrying out x-ray, ECG and other tests,



as required by the guidelines and should indicate whether it is transient in nature or whether it is due to any organic disease.

7. Since the guidelines have clearly not been followed, the opinion rendered by the Review Medical Board cannot be accepted. Accordingly, the findings of the Review Medical Board are set aside. The respondents are directed to constitute a fresh Review Medical Board which shall examine the petitioner, inter-alia, in accordance with the guidelines dated 31.05.2021. Since the petitioner is being sent for re-examination because of the non-compliance of guidelines for review medical board, we deem it expedient to direct that the petitioner be also examined for the alleged ailment of Incomplete RBBB.

8. The Review Medical Board be constituted within a period of two weeks from today with at least four days' advance notice to the petitioner.

9. The petition is disposed of in the above terms. It would be open to the petitioner to avail of further remedies, if aggrieved by any further decision of the Review Medical Board.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

JULY 31, 2023
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