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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 06.11.2023

+ W.P.(C) 10552/2021 & CM APPL. 32536/2021 & CM APPL.
23713/2023

PRADEEP

..... Petitioner

versus

UNION OF INDIA AND OTHERS

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Amit George, Mr. A. Bhaumit, Mr.
Rayadurgam Bharat and Mr. Adhishwar Suri,
Advocates

For the Respondents:

Mr. Tanveer Ahmed Ansari, Senior Panel Counsel
for UOI**CORAM:****HON'BLE MR. JUSTICE SANJEEV SACHDEVA****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT****SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner impugns order dated 30.06.2021 whereby petitioner has been declared medically unfit by the Recruitment Medical Board on the ground that petitioner suffers from Varicose Vein.
2. Petitioner has relied on Medical Examination Report dated 08.02.2020 whereby petitioner was declared medically fit and



thereafter offered appointment letter on 20.02.2021.

3. One of the conditions of the appointment letter dated 20.02.2021 was that in case the petitioner was declared fit by the Medical Board which had been held more than a year earlier petitioner would have to undergo fresh medical examination. Since petitioner had been declared medically fit on 08.02.2020 and the offer of appointment was made on 20.02.2021, petitioner was required to undergo a recruitment medical examination.

4. The Recruitment Medical Examination Board found petitioner unfit due to post operative case of Varicose Vein.

5. Petitioner impugned the said finding in this petition. By order dated 09.05.2023, this Court directed that petitioner be medically examined in an independent hospital i.e. Research & Referral Hospital of the Army. It was directed that the examination of the petitioner be carried out in terms of the guidelines for recruitment medical examination in Central Armed Police Forces and Assam Rifles as of May, 2015. The order further directed that the report of the RR Hospital shall be final and binding on the parties.

6. Petitioner was examined at Research & Referral Hospital by a Medical Board on 05.06.2023 presided over by a Senior Surgeon of the rank of Colonel.

7. The Medical Board has opined that the petitioner is medically unfit for the referred disability.

8. Since the Recruitment Medical Board had found the petitioner unfit for service which finding has been confirmed by a Medical



Board constituted by the RR Hospital appointed under orders of the Court, we find no error having been committed by the respondent in declaring the petitioner medically unfit for the purposes of recruitment.

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

SANJEEV SACHDEVA, J

MANOJ JAIN, J

NOVEMBER 6, 2023

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