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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 02.08.2023

+ **W.P.(C) 10120/2023 & CM APPLS. 39165-67/2023**

SURAJ KUMAR

..... Petitioner

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Appellant: Mr. Ali Asghar Rahim and Mr. Rauf Rahim, Advocates.

For the Respondents: Mr. Amit Gupta, SPC with Ms. Prerna Dhall, Advocate for UOI.

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 08.06.2023 and the Review Medical Examination dated 09.06.2023.

2. Learned counsel for the petitioner submits that the petitioner has been rejected on the ground of 'hypertension' and 'Tachycardia'. It has also been contended that "*the Revised Uniform Guidelines for*



review in medical examination in Central Arms 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 for the guidelines prescribed for the Review Medical Board which, *inter-alia*, reads as under:

“(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 rejected on the ground of hypertension and tachycardia. 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 as to whether the rise in blood pressure was transient in nature due to excitement, etc. or whether it was due to an organic disease, as required by the guidelines.



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.

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 any further remedies, if agreed by the decision of the medical board.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

AUGUST 2, 2023
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