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

% Judgment delivered on: 08.12.2023

+ W.P.(C) 13206/2023, CM APPL. 52223/2023 & CM APPL. 52224/2023

MANJEET KUMAR

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Nikunj Arora, Advocate

For the Respondents: Mr. T.P. Singh, Senior Panel Govt. Counsel with Mr. Kushagra Kumar, Govt. Pleader with SI/GD Shrabtra Sarkar, SSB

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns the findings of the Detailed Medical Board dated 03.06.2023 and Review Medical Board dated 06.06.2023 whereby petitioner was declared medically unfit.

2. Petitioner has finally been declared medically unfit by the Review Medical Board holding (i) deformity of Terminal phalanx from right index finger and (ii) Hypertension.

3. Learned counsel for petitioner submits that the guidelines for Review Medical Examination as applicable to the case of the



petitioner with regard to deformity of finger required that the deformity should be of such a degree as to interfere with satisfactory performance of combatize duties to be a disqualification. He submits that there is no finding returned either by the Detailed Medical Examination Board or the Review Medical Examination Board that the deformity is of such a degree that it would interfere with satisfactory performance of combatize duties.

4. He submits that petitioner is already serving as Inspector in the Border Security Force. With regard to the issue of hypertension, he submits that prior to rejection on the ground of hypertension the candidate has to be admitted/hospitalised by the Board to ascertain, as to whether the rise in blood pressure is of transient nature due to excitement etc. or whether it is due to any organic disease.

5. He submits that no such hospitalisation took place and there is no finding returned by the Medical Board in terms of the extant guidelines. He submits that *“the 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.

6. Reference may be had to the abovesaid 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.”

7. It is not in dispute that petitioner has been declared ‘unfit’ on the ground of hypertension. 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 also 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.

8. We further also note that there is no finding returned that deformity is of such a degree that it would interfere with performance of combatize duties.

9. 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.

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



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

SANJEEV SACHDEVA, J

MANOJ JAIN, J

DECEMBER 08, 2023/dr

