

2024.PHHC.135055



**IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH**

**221**

**CWP-2723-2022**  
**Date of Decision: 15.10.2024**

**ROHTASH DASS GUPTA**

... Petitioner

**VERSUS**

**STATE OF HARYANA AND OTHERS**

... Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

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Present: Mr. Vijay Kumar Sheoran, Advocate  
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

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**VINOD S. BHARDWAJ, J. (ORAL)**

Challenge in the present petition is to the impugned letter dated 11.02.2021 (Annexure P-3) issued by respondent No.3, whereby request of the petitioner for issuance of his Chronic Disease Certificate has been declined without medical examination of the petitioner and perusal of his treatment record.

Learned counsel for the petitioner submits that the petitioner had been taking treatment from private hospitals in Bhiwani but there was no improvement in the health condition, whereupon he started taking treatment at PGIMS, Rohtak after 2009. As per the diagnosis conducted by the PGIMS, Rohtak and Guru Gobind Singh Medical College Hospital, Faridkot, the petitioner was diagnosed with psoriasis, airborne-contact dermatitis (ABCD),

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photo dermatitis and chronic actinic dermatitis. He has been suffering from the said disease for a quite long time. He has been undergoing treatment from various doctors, but there have been no signs of any improvement. He contends that the Department of Health, Government of Haryana had issued a revised list of chronic diseases vide notification dated 08.06.2005 and included 18 diseases in the said list including psoriasis at Sr. No.14. It is claimed that on the strength of the treatment record and the notification dated 08.06.2005, the petitioner approached respondent No.3, Civil Surgeon, General Hospital, Bhiwani for issuance of chronic disease certificate, but the same was declined vide letter dated 11.02.2021 on the ground that the disease of 'Chronic Allergic Dermatitis' is not included in the list of chronic diseases issued by Haryana Government.

Learned counsel for the petitioner thus argued that the impugned letter/communication dated 11.02.2021 declining the request of the petitioner is wrong and unjustified because the Medical Board neither examined the petitioner nor perused the treatment record that was in his possession. Hence, he approached this Court.

The reply on behalf of respondents No.1 to 3 had been filed by the office of Civil Surgeon, General Hospital, Bhiwani, wherein it has been averred that the petitioner, who is a retired Deputy Superintendent, from the Education Department, Haryana, had submitted an application on 20.11.2020 for issuance of Chronic Disease Certificate, on which an OPD Slip No.040160359175 was issued and he was referred to Physician, General Hospital, Bhiwani for examination and report. Thereafter, the Physician, General Hospital advised the

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petitioner for dermatology opinion for skin allergy and a memo bearing No.CS-2021/72 dated 18.01.2021 was written by respondent No.3 to the Medical Superintendent, Pandit Bhagwat Dayal Sharma, PGIMS, Rohtak for examination of the petitioner from Skin Specialist (Skin Department) and to give direction as to whether the disease of the petitioner falls and /or is covered in the list of chronic diseases issued by the Government of Haryana, so that the necessary certificate could be issued to the petitioner.

Pursuant thereto, the petitioner was examined at Pandit Bhagwat Dayal Sharma, PGIMS, Rohtak by the Medical Board of Skin Specialists vide OPD Slip No.130023162778, Card No.60439 dated 25.01.2021 on the request of the respondent No.3- Civil Surgeon, General Hospital, Bhiwani. A report dated 25.01.2021 bearing memo No.SVD/2021/91 was sent by a Medical Board of skin specialist, whereby the clinical diagnosis of the petitioner was that of “chronic actinic dermatitis” which does not fall in the definition of ‘psoriasis’ included in the list notified by the Government of Haryana.

On receipt of the said report from the Medical Superintendent, PGIMS, Rohtak, sent alongwith memo dated 28.01.2021, a letter bearing Memo No.CS/2021/248 dated 11.02.2021 was sent to the petitioner under registered post alongwith the medical report given by the Medical Board, whereby it was conveyed to the petitioner that the skin disease, from which the petitioner was suffering, did not fall under the category of chronic diseases as per the list of Chronic Diseases issued by the Government of Haryana. The prayer of the petitioner for issuance of Chronic Disease Certificate was thus declined.

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Having heard the learned counsel for the parties and having gone through the documents available on record, it is revealed that the sole ground espoused by the petitioner was that he was not medically examined before his prayer for issuance of Chronic Disease Certificate was declined, however, the said argument is devoid of merit, since as per the details furnished by the office of Civil Surgeon, General Hospital, Bhiwani, the report was sought from the Head of PGIMS, Rohtak. Pursuant to the said communication, the petitioner was physically examined by a Medical Board consisting of Senior Professor and Head, Professor and Assistant Professor in the Department of Skin and they had concluded that the petitioner was suffering from chronic allergic dermatitis. The said report reads thus:

***“DEPARTMENT OF SKIN & VD PT. B.D. SHARMA, PGIMS,  
ROHTAK***

*No.SVD/2021/91*

*Dated: 25-01-2021*

*To*

*The Medical Superintendent  
B.D. Sharma, PGIMS,  
Rohtak.*

*Subject:- Clinical examination for the purpose of the issue Chronic disease certificate of Sh. Rohtas Dass Gupta S/o Sh. Gopi Ram Gupta R/o H.No.19, Gali Bhutan, Naya Bazar, Bhiwani.*

***Reference: Your office No.PGIMS/MB/N/355 dated 22.01.2021***

*It is to inform you that patient Rohtas Dass Gupta S/o Sh. Gopi Ram Gupta R/o H.No.19, Gali Bhutan, Naya Bazar, Bhiwani attended Skin OPD on 25.01.2021 vide OPD No.130023162778, Card No.60439 dated 25.01.2021.*

*His marks of identification are following:*



1. *Old scar mark on right leg.*
2. *Mole over right arm just above elbow joint.*

*Patient has been examined by the following three members of board*

1. *Dr. Surabhi Dayal, Sr. Prof. & Head*
2. *Dr. Kamal Aggarwal, Professor*
3. *Dr. Jayanti Singh, Asstt. Professor*

*On clinical examination, presence of ill defined, erythematous scale plaques involving almost the whole back, bilateral axilla and groins, extensor aspect of upper and lower extremities. Presence of depigmented, erythematous scaly plaques on the scalp. Itching is present on all the lesions.*

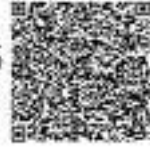
***At present clinical diagnosis is chronic allergic dermatitis.***

*Sd/-  
Dr. Jayanti Singh  
Asstt. Professor*

*Sd/-  
Dr. Kamal Aggarwal  
Professor*

*Sd/-  
Dr. Surabhi Dayal  
Sr. Prof. & Head.”*

It was on the basis of receipt of said report from the Medical Board of Pandit Bhagwat Dayal Sharma, PGIMS, Rothak, which had examined the petitioner, that the communication was sent by the Office of the Civil Surgeon, General Hospital, Bhiwani to the petitioner on 11.02.2021 by placing a specific reliance on the abovesaid report received by the petitioner and the requisite certificate could not be issued to the petitioner since the disease ‘Chronic Allergic Dermatitis’ was not included as a chronic disease in the notification dated 08.06.2005 issued by the Government of Haryana. Hence, the argument that there was no physical examination of the petitioner or that his medical record had not been considered by the Authorities before declining the issuance of chronic disease certificate is fallacious and is not tenable.

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Still further, even though the reply was filed by the respondents on 21.07.2022, with specific averment that the petitioner had been duly examined by the Medical Board, the petitioner chose not to file any rejoinder or any other document on the basis whereof, the findings recorded by the Medical Board could be disputed. Besides, even though a copy of the said report issued by the Medical Board had been sent to the petitioner alongwith communication dated 11.02.2021, however, the petitioner chose not to impugn the said opinion given by the Medical Board of Pandit Bhagwat Dayal Sharma, PGIMS, Rothak.

This Court has no material on the basis whereof the report given by the Medical Board of Pandit Bhagwat Dayal Sharma, PGIMS, Rothak can be faulted with or ignored.

Under the given circumstances, there does not exist any *prima facie* case for exercise of power of judicial review to upset a medical report that has been given by the Medical Board and which has been relied upon by office of Civil Surgeon, General Hospital, Bhiwani for declining the issuance of a Chronic Disease Certificate to the petitioner.

The present petition is accordingly dismissed at this stage.

The petitioner is, however, granted liberty to approach the Authorities afresh, in the event of any new ground being available to him or a new diagnosis being made by the Medical Authorities.

**OCTOBER 15, 2024.***rajender***(VINOD S. BHARDWAJ)  
JUDGE**

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No