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

CWP-9377-2024
Date of decision: 24.04.2024

Manavjit Singh ...Petitioner

Versus

Union of India and another ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amarjit Singh, Advocate for the petitioner.
Ms. Anita Balyan, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the medical report entered in the register as remarks by Doctor of Military Hospital, Jalandhar Western Command declaring the petitioner medically unfit as per Annexure P-5.
2. Learned counsel for the petitioner has submitted that the petitioner is the son of an Ex Serviceman and had applied for admission in 6th class in the category of JCOs and OR (SC) and was allotted roll number for CET 2023 and the petitioner had qualified for the said CET held on 17.12.2023 and vide letter dated 26.03.2024, he was informed that he had been provisionally selected for admission and was required to get his medical examination done from the Military Hospital, Jalandhar Western Command. It is also submitted that the petitioner had gone for medical examination for eight days and on 03.04.2024, the petitioner was verbally told that he was unfit and

thus, his case was to be rejected but however, no written report was given. It is further submitted that the petitioner got the photocopy of the remarks, as per which, the petitioner has been declared unfit on account of the fact that there was a note mentioning "Umbilical hernia". It is contended that the father of the petitioner had informed the Doctor that the petitioner did not have any problem and the scar on the gluteal cleft is by birth and not a result of any surgery and thereafter, the petitioner requested for a medical re-examination on 06.04.2024 but to no avail. It is also submitted that on account of the said medical report, the admission of the petitioner for 6th class would be cancelled.

3. Learned counsel for the petitioner has made a limited prayer in the present writ petition and has submitted that he would be satisfied, in case, the petitioner is medically examined in any of the Command Hospitals, as per the list of hospitals for the conduct of medical test, which has been annexed at page 27 of the writ petition. It is submitted that the petitioner would abide by the decision of the said hospital.

4. Notice of motion.

5. On the asking of the Court, Ms. Anita Balyan, Advocate, appears and accepts notice on behalf of the respondents.

6. This Court has heard learned counsel for the petitioner and in view of the urgency in the matter, as it is stated that admission to 6th Class is in progress and the same would be finalized shortly and also the limited prayer made by learned counsel for the petitioner, the present Civil Writ Petition is disposed of with the following directions/observations:-

i) The petitioner would go to the Command Hospital, Western Command, Chandimandir, which is one of the hospital shown in the list of hospitals

for conduct of medical test at page 27 of the paper book, within seven days from today.

- ii) In case of the petitioner going to the Command Hospital, Western Command, Chandimandir within the aforesaid period, the competent authority of the Command Hospital, Western Command, Chandimandir is requested to depute a Doctor to examine the petitioner for the purpose of declaring him fit/unfit for admission to 6th Class in Rashtriya Military School, Ajmer, which as per the case of the petitioner is the school allocated to the petitioner.
- iii) The concerned Doctor would medically examine the petitioner, in accordance with law, and would prepare the report regarding fitness/unfitness of the petitioner independent of the report (Annexure P-5).
- iv) The report would be given by the concerned Doctor in writing to the petitioner, as expeditiously as possible, preferably within a period of one week from the date of completion of the examination of the petitioner.
- v) The report, in case, is adverse to the petitioner, then, same would not be open to challenge as has been undertaken on behalf of the petitioner before this Court.
- vi) After receiving the report, the respondent authorities would act, in accordance with law.

24.04.2024*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**