



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

116

CWP-20914-2024

Date of decision: 05.11.2024

Raman Kumar

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Hema Kakkar, Advocate
for the petitioner.

Mr. Arihant Goyal, Sr. Panel Counsel for the respondents.

AMAN CHAUDHARY, J. (Oral)

1. Learned counsel submits that the petitioner has been ousted from appointment to the post of ASI (Steno) only on the premise of a birth mark, which was found to be benign in nature as per the result of Review medical Examination, Annexure P-7. She relies on a judgment passed on similar facts in the case of **Ashok Dukiya vs. Union of India**, decided on 09.02.2021, Annexure P-13, in view of which his case may be re-considered, in a time bound manner, relevant paras thereof read thus:-

“4. Inviting Court's attention towards the revised uniform guidelines dated 20.05.2015, issued by the Ministry of Home Affairs, Govt. of India for Recruitment Medical Examination In Central Armed Police Forces & Assam Rifles, he submitted that it is true that the petitioner is having a birth mark (congenital Melanolytic Nevus) but the Medical Board and the Review Medical Board have not recorded any finding to the effect that such birth mark will impede in efficient discharge of training/duties, which is pre-cursor for rejection of a candidate's candidature as stipulated in item No.20 of para No.6 of the aforesaid revised guidelines.

18. During the course of arguments Mr. Mehta has not questioned the medical report given by the Medical Boards per se; the petitioner admits that he is having birth mark in his right elbow, but contends that the same is not going to adversely affect his discharge of duties.

21. The respondents are directed to offer appointment to the



petitioner on the post of Head Constable (Radio Mechanic) within a period of four weeks from today, if he is otherwise meritorious and eligible.”

2. Learned counsel for the respondents, on instructions, submits that he has no objection to the limited prayer made of having a relook at the matter, taking note of the aforesaid judgment, within a period of 2 months and in case the petitioner is found entitled to any relief, the same would be granted within a month thereafter else speaking order shall be passed, after affording an opportunity of hearing to the petitioner.
3. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

05.11.2024
Hemant

Whether speaking/reasoned

Whether reportable

: Yes / No

: Yes / No