



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
% Date of decision: January 10, 2024

+ W.P.(C) 314/2024

(40) HEMANT MORYA ..... Petitioner  
Through: Mr. U Srivastava, Adv.

versus

UNION OF INDIA AND OTHERS ..... Respondents  
Through: Ms. Archana Sharma, SPC with Ms.  
Seema Singh, Govt. Pleader with SI  
Prahlad, SI Amit Kumar and SI L.M.  
Sang for CISF / R1 to R3.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed by the petitioner with the following prayers:

*“In the facts and circumstances mentioned in the above paras it is therefore most respectfully prayed that the Hon’ble High Court may be graciously pleased to pass an order: -*

*(a) Directing the respondents to place the relevant records pertaining to the present writ petition for the proper adjudication in the matter.*

*(b) Declaring the actions of the respondents not to entertaining the request of the petitioner for re-medical examination as the petitioner after getting declared unfit in detailed medical examination, upheld in review medical examination dt. 01.01.24 on account of Pre Sternal Keloid visited to other different hospitals on dt. 02.01.24 including V.M.M.C. & Safdarjung Hospital, New Delhi & A.I.I.M.S. Hospital wherein after thorough*



*medical examination categorically declared fit respectively, is as illegal, unjust, arbitrary, malafide, mechanical, against the principles of natural justice, violative of article 14, 16 & 21 of the Constitution of India and against the mandatory provisions of law.*

*(c) Directing the respondents to re-consider the candidature of the petitioner for recruitment to the post of Constable (Driver & DCPO) in view of the specific and categorical recommendations, and process for further recruitment, if found fit after conducting re-medical examination as settled by the Hon'ble CAT (PB), New Delhi in OA. No. 2007/2023, OA No. 3138/2022 as well as by the Hon'ble Delhi High Court in WP(C) No. 8666/2021, WP(C) No. 7412/2022 and WP(C) No. 16502/2023 accordingly, in the interest of justice.*

*(d) Allow the writ petition of the petitioner with all other consequential benefits and costs.*

*(e) Any other fit and proper relief may also be granted.”*

2. In effect, the petitioner is challenging his disqualification on medical grounds for appointment to the post of Constable / Driver. As per the Medical Board, the petitioner was found unfit because of *Pre Sternal Keloid on Chest*. Even the Review Medical Board has found the petitioner unfit on that ground.

3. Mr. U. Srivastava, learned counsel appearing for the petitioner would submit the petitioner has got himself examined at AIIMS, New Delhi and Safdarjung Hospital, which have categorically stated that the condition is non-infectious and non-contagious and it is not going to affect the work, performance and daily activities of the petitioner in anyway and as such need to be appointed.

4. The submission of the learned counsel for the petitioner is not appealing for the reason that the Medical Board has found the petitioner



unfit because as per the guidelines, Para g(XII)(B) it is clear that Keloid formation interferes with the proper wearing of the equipment. This conclusion of the Board has not been contested.

5. Mr. Srivastava would refer to certain orders passed by this Court in different writ petitions, wherein the Court has allowed re-examination of candidates by a further Medical Board, to contend the petitioner be referred to a new Medical Board for examination. We are of the view, given the facts of this case, when the guidelines are clear and the condition for which the petitioner has been disqualified, no purpose shall be achieved even if he is relegated to a new Medical Board. The orders referred to by the counsel do not pertain to the above condition of *Pre Sternal Keloid on Chest* and as such distinguishable.

6. The petition is without merit and is dismissed.

**CM APPL. 1468/2024**

Dismissed as infructuous.

**V. KAMESWAR RAO, J**

**SAURABH BANERJEE, J**

**JANUARY 10, 2024/jg**