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

+ **W.P.(C) 2219/2024**

RAJ MISHRA

..... Petitioner

Through: Mr. Rajesh Kumar, Mr. Atul, Mr.
Kartik Yadav and Mr. Sandeep
Kaushik, Advocates

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Subhash Tanwar, CGSC with Mr.
Sandeep Mishra, Mr. Ashish
Choudhary, Advocates and Mr. Gokul
Sharma, GP

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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15.02.2024

CM APPL. 9215/2024

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 2219/2024 & CM APPL. 9216/2024

1. This petition lays a challenge to the decision of the Medical Board/Review Medical Board declaring the petitioner unfit for appointment on the ground that the petitioner is suffering from “hypertension”.
2. Learned counsel for the petitioner would draw our attention to the Office Memorandum dated May 31, 2021 more specifically annexure-A of the said Memorandum, Clause 7(e) whereof reads as under:-

7. Following examples are cited for the guidance of Review Medical Board:-

.....

e) For candidates who have been rejected on the ground of hypertension/tachycardia should be 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 nature due to excitement etc. or whether it is due to any organic disease. In all such cases X-Ray and electrocardiographic examinations of heart and blood examinations like cholesterol/lipid profile, S. Creatinine etc, tests should also be carried out.”

3. According to him, before the Medical Board declared the petitioner unfit candidate it should have first admitted the petitioner in a hospital for observation. The submission is that neither the Medical Board nor the Review Medical Board had followed the above procedure before concluding that the petitioner is “unfit” on the ground of “hypertension”.
4. The aforesaid position is not contested by the learned counsel for the respondents.
5. If that be so, we set aside the proceedings of the Review Medical Board dated December 28, 2023 with a further direction that the Review Medical Board shall carry out the Medical Examination of the petitioner, afresh in the manner stipulated in the OM dated May 31, 2021 more specifically clause 7(e) which is reproduced above, and take action thereof in accordance with law. This exercise shall be carried out within a period of six weeks as an outer limit.
6. The decision taken by the Review Medical Board shall be communicated to the petitioner to enable him to seek such remedy as available in law if the order is to his prejudice.
7. Petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 15, 2024/rr