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

W.P.(C) 2625/2024

RAHUL JANGID

..... Petitioner

Through: Mr. Pankaj Mehta, Mr. R.K. Mehta,
Ms. Shweta Soni, Ms. Akansha
Singh, Mr. Bhavya Kohli and Mr.
Rohan, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Avshreya Pratap Singh Rudy,
SPC with Mr. Bharat Singh, GP
and Mr. Usha Jamnal, Advocates
Mr. Ravinder Agarwal, Advocate
for R-2

58

+ W.P.(C) 2640/2024

CHETAN P BAWANE

..... Petitioner

Through: Mr. Pankaj Mehta, Mr. R.K. Mehta,
Ms. Shweta Soni, Ms. Akansha
Singh, Mr. Bhavya Kohli and Mr.
Rohan, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Akash Vajpai, SPC with Ms.
Archana Kumar, GP for R-1 and R-
3.
Mr. Ravinder Agarwal, Advocate
for R-2

62

W.P.(C) 2668/2024

LALIT SHARMA

..... Petitioner



Through: Mr. Pankaj Mehta, Mr. R.K. Mehta,
Ms. Shweta Soni, Ms. Akansha
Singh, Mr. Bhavya Kohli and Mr.
Rohan, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Abhishek Saket, SPCG with
Mr. Bharat GP and Ms. Sanna
Harta, Advocate for R-1
Mr. Ravinder Agarwal, Advocate
for R-2

63

W.P.(C) 2673/2024
AMIT KUMAR

..... Petitioner

Through: Mr. Pankaj Mehta, Mr. R.K. Mehta,
Ms. Shweta Soni, Ms. Akansha
Singh, Mr. Bhavya Kohli and Mr.
Rohan, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Manish Kumar, SPC with Mr.
Abhishek Khanna, GP for UOI
Mr. Ravinder Agarwal, Advocate
for R-2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

22.02.2024

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CM APPL. 10794/2024 in W.P.(C) 2625/2024

CM APPL. 10873/2024 in W.P.(C) 2640/2024

CM APPL. 10910/2024 in W.P.(C) 2668/2024

CM APPL. 10915/2024 in W.P.(C) 2673/2024

Exemption Allowed, subject to all just exceptions.



The applications are disposed of.

W.P.(C) 2625/2024, CM APPL. 10795/2024 (stay)

W.P.(C) 2640/2024, CM APPL. 10874/2024 (stay)

W.P.(C) 2668/2024, CM APPL. 10911/2024 (stay)

W.P.(C) 2673/2024, CM APPL. 10916/2024 (stay)

1. These petitions involve identical issue as to whether the petitioners could be treated as unfit for appointment to a job under ITBP only on the ground of “hypertension”.

2. The submission of learned counsel appearing for the petitioners is that the respondents have not followed their own guidelines dated May 31, 2021 which *inter alia* states that when it is a case of hypertension a final opinion needs to be made only after a candidate is hospitalised and put under observation. According to him the said procedure has not been followed in the present case.

3. In this regard, he has drawn our attention to the Office Memorandum [Revised Uniform Guidelines] dated May 31, 2021 and more specifically to Clause 7(e) of annexure-A of the said Memorandum, which 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.”



4. Learned counsel for the respondents do not contest the submission made by the learned counsel for the petitioners with regard to the fact that the Review Medical Board has not followed the aforesaid mandate under Clause 7(e).

5. If that be so, we set aside the conclusion arrived at by the Review Medical Board dated December 16, 2023 in W.P.(C) 2625/2024, and December 12, 2023 in W.P.(C) 2640/2024 and W.P.(C) 2668/2024 and December 11, 2023 in W.P.(C) 2673/2024.

6. We accordingly direct that a fresh Review Medical Board be constituted within two weeks from today and at least four days advance notice be issued to each of the petitioners. If on re-examination, the petitioners are found fit by the Review Medical Board, further action shall be taken in accordance with the rules.

7. It goes without saying, if the petitioners would be aggrieved by any order passed to their prejudice, they shall seek such remedy as available in law.

8. Petitions are disposed of. No costs.

9. A copy of this order be kept in all the petitions.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 22, 2024/So..