



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

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Date of decision: February 27, 2024

+ W.P.(C) 2844/2024, CM APPLs. 11705/2024 & 11706/2024

(53) **AKASH ATTRI**

..... Petitioner

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

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Manish Mohan, CGSC for
UOI/R-1 & R-3
Mr. R. Agarwal, Adv. for R-2/UPSC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 11705/2024 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2844/2024

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

*“In the light of the aforesaid facts and circumstances, the
Petitioner herein most humbly pray that this Hon’ble
Court may graciously be pleased to:-*



- i. Issue a writ order, or direction in the nature of mandamus or any other appropriate writ, thereby directing Respondent No.3 to quash the Review Medical Examination Report dated 16.12.2023;*
- ii Issue a writ order, or direction in the nature of mandamus or any other appropriate writ to Respondents to reconstitute the Review Medical Examination Board for the Petitioner in consonance with the applicable guidelines;*
- iii. Issue a writ order, or direction in the nature of mandamus or any other appropriate writ to Respondent No.3 to take the opinion of concerned specialists or super specialists of Govt. Medical College and Hospital;*
- iv. Issue a writ order, or direction in the nature of mandamus or any other appropriate writ to Respondent No.3 to call for the records of the Petitioner regarding the ECG and ECHO tests;*
- v. Pass any such/further orders or directions as this Hon'ble Court deems fit in the interest of justice."*

2. Our attention has been drawn to Annexure-P10 wherein for identical relief, this Court had directed the constitution of the fresh Review Medical Board to examine the petitioner therein in terms of the regulations / guidelines dated May 31, 2021.

3. Learned counsel for the petitioner seeks a similar relief in this petition as well.

4. Learned counsel for the respondents on instructions submits they have no objection if similar order is passed in this petition also.

5. Accordingly, we direct that the respondents to constitute a fresh Review Medical Board which shall examine the petitioner *inter alia* in accordance with the regulations / guidelines dated May 31, 2021. The



Review Medical Board shall be constituted within two weeks from today and at least four days advance notice be issued to the petitioner for his presence.

6. It is made clear that, if the petitioner is found fit by the freshly constituted Review Medical Board, further action shall be taken in accordance with rules. It goes without saying, if the petitioner is aggrieved by any order to be passed to his prejudice, he shall seek such remedy as available in law. The petition is disposed of.

CM APPL. 11706/2024

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 27, 2024/aky