



\$~2

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

+ **W.P.(C) 2973/2024 & CM APPL. 12206/2024**

DEVI LAL CHOUDHARY

..... Petitioner

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

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Shagun Shahi Chugh, Adv. with
SI Shrabanto Sarkar, SSB

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

04.03.2024

%

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

“i. Issue a writ order, or direction in the nature of mandamus or any other appropriate writ, thereby directing Respondent No.2 to quash the Review Medical Examination Report dated 12.10.2023;

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.2 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.2 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. In effect, the petitioner is challenging the Review Medical Board examination dated October 12, 2023 wherein, the petitioner has been found



‘unfit’ because of the hypertension and tachycardia.

3. The learned counsel appearing for the petitioner has drawn our attention to page 63 of the paper-book to contend that the guidelines issued by the respondents contemplate that the candidates who are rejected on the ground of hypertension/tachycardia should be admitted/hospitalised by the Board before giving its final opinion regarding the candidate’s fitness or otherwise. She submits that the petitioner was not admitted to the hospital though the blood pressure readings were taken for three consecutive days. She says that the intent of the guidelines is that the candidate needs to be admitted/hospitalised so that the readings depict the right medical condition of the candidate in so far as the hypertension/tachycardia are concerned. The same is reproduced as under:

“7.....

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 electro-cardiographic examinations of heart and blood examinations like cholesterol/lipid profile, S.Creatinine etc, tests should be carried out.”

4. Learned counsel appearing for the respondents would submit that the five readings were taken for three consecutive days, as 150/90 mmHg, 156/92 mmHg, 158/90 mmHg and as such he was rightly found unfit.

5. We are not in agreement with the submission made by the learned counsel for the respondents in view of the guidelines referred to above by the learned counsel for the petitioner.

6. The conclusion drawn by the Review Medical Board dated October 20, 2023 is set aside and the respondents are directed to constitute a fresh



Medical Board which shall examine the petitioner in accordance of the guidelines referred above and then proceed accordingly.

7. The aforesaid exercise shall be carried out within a period of four weeks from today. An advance notice of a week shall be given to the petitioner for him to appear before the newly constituted Medical Board.

8. It goes without saying that if the petitioner is found fit, the appointment shall be subject to the availability of the vacancies.

9. The petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 4, 2024/So