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

+ **W.P.(C) 5083/2024 & CM APPL. 20879/2024**

RADHEY SHYAM KUMAWAT Petitioner

Through: Mr. Anand Sharma, Advocate.
versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Neeraj SPC with Mr. Vedansh
Anand, Govt. Pleader, Mr. Rudra
Paliwal, Mr. Mahesh Kumar Rathore,
Mr. Sanjay Pal and Ms. Anisha Mitra,
Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

24.04.2024

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

"i. Quash and set aside the Impugned Order dated 23.03.2024 passed by Presiding Officer, RME Board, Head Quarter, SSB, Gorakhpur, wherein the petitioner has been declared unfit on account of having tattoo in his forearm which has now been removed;

ii. The Petitioner be allowed for Review Medical Examination;

iii. In case the petitioner is found fit, he be considered for selection as per merit list;

iv. pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;"

2. The grounds for declaring the petitioner unfit is on account of a tattoo

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on the right mid forearm being the saluting limb as such a ground for unfitness. It is the case of the petitioner that he has since removed the tattoo and as such there is no impediment for appointment of the petitioner as Sub-Inspector (Draftsman).

3. We are of the view that as the petitioner has removed the tattoo, he shall be re-examined by the Review Medical Board, and on re-examination, if he is found fit, subject to the petitioner fulfilling other conditions, and availability of vacancy, he shall be appointed. If the Review Medical Board is still of the view that the petitioner is unfit, the matter shall be treated as final.

4. This above process shall be completed by the Review Medical Board within a period of six weeks from today as an outer limit . An advance notice of one week shall be given by the petitioner for his appearance before the Review Medical Board.

V. KAMESWAR RAO, J

RAJNISH BHATNAGAR, J

APRIL 24, 2024/ib

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