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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5531/2024 & CM APPL. 22750/2024

VENNI MANOJ KUMAR

..... Petitioner

Through: Mr. Abhinay Sharma and
Ms. Kiriti Vyas, Advs.

versus

INDIAN COAST GUARD & ORS.

..... Respondents

Through: Mr. Jagdish Chandra, Sr. PC with
Mr. Prakhar Srivastav, Ms. Saakshi
Yadav, Advs. for UOI with
Dy. Com. Rattan Negi (ICG)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

25.04.2024

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

“In the premise aforesaid, the Petitioner most humbly prays that this Hon’ble Court be pleased to: -

a) Issue an appropriate writ, order, or direction setting aside the Impugned Rejection of Stage-II dated 09.01.2024, Impugned Result Sheet dated 22.03.2024 and the Impugned Review Medical Certificate dated 01.02.2024, deeming them illegal, arbitrary, and violative of Articles 14, 16, and 21 of the Constitution of India, 1950;

b) Direct the Respondents to facilitate the establishment of a new Medical Board at the Army Hospital (R&R), New Delhi, tasked with conducting a fresh and impartial medical examination of the Petitioner;

c) Subsequently, following the medical examination, instruct the Respondents to proceed with the Petitioner's recruitment



process in the present batch and in accordance with the prescribed procedure and to render appropriate orders;
d) In the alternative to prayer (c), following the medical examination, instruct the Respondents to proceed with the Petitioner's recruitment process in the subsequent batch and in accordance with the prescribed procedure and to render appropriate orders;
e) Allow the present writ petition with exemplary compensation, costs, and litigation expenses in favor of the Petitioner; and
f) Pass any such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice and in favor of the Petitioner."

2. In effect, the petitioner is challenging the findings of the Medical Board / Review Medical Board by which the petitioner was found unfit primarily on the ground of *irregularly irregular pulse rate*.

3. The only submission of Mr. Sharma, learned counsel appearing for the petitioner is by relying upon the medical examination carried out at Government Hospital at Vijayawada to state that there is no such finding of the Doctor and hence, the petitioner is fit to be appointed with the respondents. He prays that a further Review Medical Board be constituted to re-examine the petitioner and if found fit, he be appointed.

4. We are unable to accept the said plea of Mr. Sharma for the simple reason that two Medical Boards have come to concurrent findings about the irregularly irregular pulse rate of the petitioner. That apart, we find that the Medical Board / Review Medical Board consisted of two or more Doctors. In the absence of any challenge to the conclusion drawn by the Medical Board / Review Medical Board, there is no reason for this Court in exercise of its power under Article 226 of the Constitution of India take a different



view. Even if the proceedings of the Medical Boards are contested, the same shall be unsustainable in the facts as no allegation qua the members have been made, nor any allegation that the findings are contrary to the guidelines which have effected the outcome / conclusion of the Medical Boards, made.

5. Accordingly, the petition is dismissed being without merit.

CM APPL. 22750/2024

Dismissed as infructuous.

V. KAMESWAR RAO, J

AMIT BANSAL, J

APRIL 25, 2024/aky