



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

% *Date of decision: May 03, 2024*

+ **W.P.(C) 5684/2024 & CM APPL. 23483/2024**

(38) **ROHIT KUMAR**

..... Petitioner

Through: **Mr. Abhinay Sharma and Ms. Kirti Vyas, Advs.**

versus

**INDIAN COAST GUARD THROUGH ITS  
DIRECTOR GENERAL & ORS.**

..... Respondents

Through: **Ms. Theepa Murugesan, Sr. Panel Counsel with Ms. Neha Sharma, Govt. Pleader, Ms. Karnika Bahuguna, Adv. with Dy. Comdt. Rattan Negi, Law Officer.**

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**V. KAMESWAR RAO, J. (ORAL)**

1. This 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 12.01.2024, Impugned Result Sheet dated 22.03.2024 and the Impugned Review Medical Certificate dated 12.01.2024, deeming them illegal, arbitrary, and violative of Articles 14, 16, and 21 of the Constitution of India, 1950;*

*b) Issue an appropriate writ, order, or direction to treat the Initial Medical Examination conducted by*



*Indian Navy Agniveer (SSR) at parity with Stage II Initial Medical Examination conducted by Indian Coast Guard;*

*c) Subsequently, instruct the Respondents to proceed with the Petitioner's recruitment process in the present batch on the basis of an initial medical examination by Indian Navy Agniveer (SSR) for the batch of 2/2023;*

*d) In the alternative to prayer (b), instruct the Respondents to proceed with the Petitioner's recruitment process in the subsequent batch on the basis of initial medical examination by Indian Navy Agniveer (SSR) for the batch of 2/2023;*

*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. The challenge in this petition by the petitioner is against the rejection of his candidature by the Medical Board through the impugned rejection dated January 12, 2024, impugned Review Medical Board Certificate dated February 12, 2024 and the impugned Result Sheet dated March 22, 2024, as illegal and arbitrary.

3. The case of the petitioner is that, he applied for recruitment in the Indian Coast Guard to the post of Navik (General Duty). He cleared Stage-I of the recruitment process on December 20, 2023. The Stage-II included a comprehensive medical examination. However, the petitioner was declared unfit on the ground of Deviated Nasal Septum (DNS) to the right.



4. The only submission made by the learned counsel for the petitioner is that the petitioner had appeared for Agnipath Scheme in Indian Navy, SSR Batch of 2/23, wherein he had qualified Stage-I and Stage-II successfully including a medical examination. According to him, the medical examination process in the Navy and in the Coast Guard is identical and the petitioner having cleared the medical examination for recruitment in the Indian Navy under the Agnipath Scheme, there is no reason for him to be disqualified for Stage-III examination in the Indian Coast Guard on the ground of DNS. He seeks re-examination of the petitioner by a newly constituted Medical Board in view of the earlier medical examination carried out by the Navy under the Agnipath Scheme.

5. On the other hand, Dy. Commandant Rattan Negi appearing for the respondents submits that, even if the petitioner has cleared the medical examination conducted by Indian Navy under the Agnipath Scheme, the fact is that the medical examination carried out for recruitment in the Indian Coast Guard, has clearly found that the petitioner has DNS to right in its initial examination. Even the review medical board which was carried out at the Army Base Hospital has also found the same. Hence in that sense, when two expert authorities subsequent to the examinations carried out by the Navy, has affirmed that the petitioner has DNS to the right, the impugned action cannot be interfered with. It is also his submission that as per the Para 6(b)(iv) of the Recruitment Advertisement, the petitioner could have corrected his DNS and appear before the Review Medical Board, Base Hospital, Delhi



Cantt. He also states that the Review Medical Board has been carried out by the Army Base Hospital, Delhi Cantt., surely an authority not connected with the Coast Guard.

6. We agree with the submissions made by Mr. Negi. In the facts of this case, surely, this Court will not interfere with the findings of the Medical Board and the Review Medical Board when there are no allegations of *mala fide* against the members of the Medical Board and the Review Medical board.

7. No doubt, it is a fact that the petitioner has cleared the medical examination in the Indian Navy, may be, on the same parameters for seeking an appointment under the Agnipath Scheme, that may not really make this Court order re-examination of the petitioner when there are neither allegations of *mala fide* nor any ground taken by the petitioner alleging that the process which has been carried out by the Medical Board / Review Medical Board is contrary to the guidelines laid down for medical examination.

8. In the facts of this case, this Court refuses to exercise its extraordinary jurisdiction in favour of the petitioner.

9. The petition is dismissed.

**CM APPL. 23483/2024**

Dismissed as infructuous.

**V. KAMESWAR RAO, J**

**DHARMESH SHARMA, J**

**MAY 03, 2024/jg**