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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7012/2024 & CM APPL. 29183/2024 –Int. dir.

NISHANT

.....Petitioner

Through: Mr.Ankur Chibber, Mr.Anshuman
Mehrotra, Mr.Nikunj Arora & Mr.Prahid, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Sanjeev Sabharwal, SPC with
Ms.Shweta Singh, Adv. & Mr.Rajesh Kumar
Singh, Legal Officer.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

10.07.2024

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1. The petitioner, who is aspiring to join the Central Reserve Police Force (CRPF) as an Assistant Sub Inspector (Lab Technician), has approached this Court assailing the findings of the Initial Medical Board dated 24.02.2024 as also of the Review Medical Board held on 26.02.2024, wherein he has been declared unfit on account of his having undergone surgery in his left elbow.
2. Learned counsel for the petitioner submits that the Review Medical Board has declared the petitioner as unfit after noticing that though the fracture on his left arm had healed, there was still an implant in his arm. This implant, he submits has already been removed in March 2024, whereafter he has been declared fit by the specialist at Safdarjung Hospital, New Delhi. Furthermore, he contends that the



fracture of the petitioner's arm was a result of physical assault by the goons who had entered his residence on 20.12.2023 for which he ought not to be penalised. He, therefore, prays that now that the implant in the petitioner's arm has been removed and he has fully recovered, as is evident from the opinion of the specialist at Safdarjung Hospital, the respondents ought to be directed to either appoint the petitioner on the basis of the opinion given by the specialist at the Safdarjung Hospital or get him examined by an independent Medical Board.

3. *Per contra*, learned counsel for the respondents opposes the petition by urging that merely because the petitioner has been declared fit by a specialist at Safdarjung Hospital, which is a Civil Hospital, it cannot be said that he is medically fit to join the CRPF. His plea being that the opinion of the specialist at Safdarjung Hospital cannot be taken into account to determine the medical fitness of a candidate wanting to join the Armed Forces. He, therefore, prays that the writ petition be dismissed.
4. Having considered the submissions of learned counsel for the parties and perused the record, we are of the view that taking into account the peculiar facts of the present case where the petitioner, a young man who was selected for the post of Assistant Sub Inspector (Lab Technician) but could not be appointed due to the injury suffered by him as a result of the unfortunate attack on him on 20.12.2023, he should be granted an opportunity to be examined by an independent Medical Board. We, therefore, allow the petition by directing the respondents to get the petitioner examined by a Medical Board



comprising of three doctors including an orthopedician/orthopedic surgeon at Army Hospital(R& R), New Delhi. We request the Medical Superintendent of the Army Hospital (R & R) to render all assistance to the respondents in this regard.

5. It is further made clear that in case, the petitioner is found fit in the medical examination by the Medical Board at the Army Hospital (R & R), the respondents will forthwith appoint him along with all consequential benefits except for back wages.
6. The petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 10, 2024

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