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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8440/2024 & CM APPL. 34846/2024 –Int. dir.
BHANWAR SINGHPetitioner

Through: Ms. Saahila Lamba, Adv.
versus

UNION OF INDIA AND ORS.Respondent
Through: Mr.Amit Gupta, Adv with D.C
Prabhakar & Insp. Janak Raj.

+ W.P.(C) 8448/2024 & CM APPL. 34856/2024 –Int. dir.
AAYUSH CHOUDHARYPetitioner

Through: Ms. Saahila Lamba, Adv.
versus

UNION OF INDIA AND ORS.Respondent
Through: Mr.Balendu Shekhar, CGSC with
Mr.Raj Kumar Maurya, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

23.08.2024

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1. The petitioners, who are aspiring to join the Sashastra Seema Bal(SSB) as Constable(Drivers), have approached this Court being aggrieved by the findings of the initial Medical Board and the Review Medical Board declaring them as medically 'unfit' for appointment on the ground of their suffering from 'Hypertension'.
2. Learned counsel for the petitioners submits that the findings of the Review Medical Board declaring the petitioners medically unfit on the ground of 'Hypertension' were arrived at without following the prescribed guidelines. She submits that guidelines for Review Medical Examination (RME) in Central Armed Police Forces &



Assam Rifles clearly state that in cases of Hypertension, five readings must be taken for three consecutive days after the candidate is admitted in a hospital. She, therefore, prays that the writ petitions be allowed and the respondents be directed to constitute a fresh Medical Board and examine the petitioners afresh strictly in accordance with the guidelines. In support of her plea, she seeks to place reliance on a decision dated 04.03.2024 of this Court in ***Devi Lal Choudhary v Union Of India & Anr.***[W.P.(C)2973/2024].

3. Learned counsel for the respondents do not deny that the ratio of the aforesaid decision applies squarely to the facts of both these petitions.
4. In the light of this fair stand taken by the respondents, we allow the petitions in terms of the orders passed in ***Devi Lal Choudhary(supra)*** by setting aside the findings of the initial Medical Board as also the Review Medical Board. The respondents are, accordingly, directed to constitute a fresh Medical Board for examining the petitioners in accordance with the laid down guidelines by taking five readings within a span of three consecutive days. The said exercise will be carried out within a period of four weeks.
5. In case, the petitioners are found 'fit' in the freshly constituted Medical Board to be constituted in terms of this order and are found to meet the other eligibility criteria, they will, subject to availability of vacancies, be appointed as Constable(Drivers) within four weeks thereafter. We further direct that the petitioners will be granted retrospective seniority along with notional pay fixation from the date on which other candidates selected pursuant to the same process were appointed, but will not be entitled to any arrears or back wages.



6. The petitions along with pending applications stands disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 23, 2024/sr