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

+ W.P.(C) 8620/2024, CM APPL. 35309/2024 –Int. Dir.

ABHISHEK

..... Petitioner

Through: Mr. U. Srivastava with Mr. Rachit
Saurabh and Mr. Anoop Kumar,
Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Radhika Biswajit Dueby, CGSC
with Major Anish Muralidhar and Ms.
Drishit Rawal, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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02.07.2024

1. The petitioner has approached this Court with a grievance that despite his request the respondents have not got him medically examined by a Review Medical Board and that too when as per the opinion given by the Specialist at District Civil Hospital, Sector 10, Gurugram, Haryana the petitioner is medically fit.
2. Issue Notice.
3. Learned counsel for the respondents accepts notice and submits that since as per the medical opinion rendered by the specialist in District Civil Hospital, Sector 10, Gurugram, Haryana, relied upon by the petitioner, it is clear that he has undergone a Tympanoplasty and has a post aural scar, no useful purpose would be served in getting the petitioner examined by Review Medical Board as this ground in itself would be sufficient for



declaring him medically unfit.

4. Having considered the submissions of learned counsel for the parties, even though we find merit in the respondents' submission that the petitioner is in all likelihood liable to be declared medically unfit on account of having the aforesaid surgery, i.e. Tympanoplasty, we are of the view that since a Government Hospital i.e. District Civil Hospital, Sector 10, Gurugram has declared him medically fit, it would be in the interest of justice, that the petitioner is atleast granted one opportunity to be examined by the Review Medical Board for which there is a specific provision in the guidelines issued by the respondent.

5. In the light of these peculiar facts, we partly allow the writ petition by directing the respondents to get the petitioner examined by Review Medical Board within four weeks from today. We however make it clear that this order will not be considered as any expression of opinion regarding the petitioner's eligibility. Furthermore, as undertaken by the learned counsel, the petitioner will be bound by the findings of the Review Medical Board and will not be entitled to assail the same before any Forum.

6. The petition along with the pending application stands disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 2, 2024
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