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

+ **W.P.(C) 14376/2023, CM APPL. 56932/2023**

GAURAV KUMAR

..... Petitioner

Through: Ms. Saahila Lamba, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Nidhi Banga, Sr. PC with
Mr. Aakash Meena, GP with
Mr. Nishant Kumar, Adv. for UOI
with Insp. Janak Raj, SI. Shrabanta
Sarkar, (SSB)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

05.03.2024

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1. The present petition has been filed by the petitioner with the following prayers:

“In the facts and circumstances of the case, it is most respectfully prayed that this Hon’ble Court be pleased to:-

(i) Issue a writ of certiorari quashing Review Medical Examination Report dated 12.10.2023 whereby petitioner has been rejected in respect of recruitment in Sashastra Seema Bal under File No.338/RC/SSB/Combined Advt./Cts/2020;

(ii) Issue a writ of mandamus directing the respondents to appoint the petitioner to the post of Constable (Driver) in Sashastra Seema Bal in case the name of the petitioner figures in the merit list of successful candidates prepared in respect of recruitment under File No.338/RC/SSB/Combined Advt./Cts/2020

(iii) Pass any such other orders as it may deem fit to this Hon’ble Court in the facts and circumstances of the case.”

2. The challenge is primarily to the conclusion drawn by the Review Medical Board rejecting the candidature of the petitioner by holding him “unfit” for appointment in SSB by holding that the petitioner has *keloid on*



anterior chest wall which will affect the wearing of combatised equipments.

3. The submission of Ms. Lamba, learned counsel appearing for the petitioner is by drawing our attention to the report of the Safdarjung Hospital to contend, the Hospital though agreeing with the finding of the Review Medical Board that the petitioner has *keloid* has stated that it is not communicable / contagious.

4. Ms. Lamba also submits, the Safdarjung Hospital in its report opined that the *keloid* shall not interfere with the wearing of combatised equipments. She submits that a direction be given for holding further medical examination of the petitioner by a Dermatologist, who admittedly, according to her, was not part of the Medical Board/Review Medical Board.

5. We are unable to agree with the said submission of Ms. Lamba for the reason that the Review Medical Board consisting of three Doctors, has given a reasoned report keeping in view the guidelines issued by the respondents, inasmuch as the *keloid* present on the chest will affect the wearing of combatised equipments.

6. In the absence of any allegation of *mala fide* against the members of the Review Medical Board, we are of the view that the impugned action of the respondents declaring the petitioner unfit, cannot be interfered with. The present petition and connected application are dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 5, 2024/aky