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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12323/2024**
GOVIND KUMARPetitioner
Through: Ms. Nisha Dhaka, Adv.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Hussain Taqvi, Mr. Dev Pratap
Shahi, Ms. Ranjana Jetley and Mr.
Yogya Bhatia, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
04.09.2024

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CM APPL. 51264/2024 –Ex.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12323/2024& CM APPL. 51263/2024 –Stay.

3. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who is aspiring to join the Central Reserve Police Force (CRPF) as a Constable (Driver), has approached this Court assailing the decision of the Medical Board dated 24.07.2024 as also that of the Review Medical Board dated 26.07.2024 declaring him medically unfit on account of being overweight.
4. Learned counsel for the petitioner submits that as per the opinion given by the Review Medical Board, the petitioner's weight was shown to be 79 kgs whereas on the very next day, his weight was reported to be 73



kgs by the Lok Bandhu Raj Narayan Combined Hospital, Lucknow, which weight, she submits was within the acceptable limit. She, therefore, contends that there was clearly an error on the part of the Medical Board as also the Review Medical Board in recording the petitioner's weight and therefore, prays that the respondents be directed to get the petitioner's weight checked once again. In case, it is found to be within the prescribed range as per the 'Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles', the respondents may be directed to appoint the petitioner as a Constable (Driver) with all consequential benefits.

5. Issue notice.

6. Learned counsel for the respondents accepts notice and submits that there was no error on the part of the Medical Board or the Review Medical Board in recording the weight of the petitioner, as he was found to be overweight in both the medical examinations. Furthermore, he contends the opinion given by the Lok Bandhu Raj Narayan Combined Hospital, Lucknow, which is a Civil Hospital, cannot be a ground to determine the petitioner's medical fitness for appointment in the Armed Forces. He, therefore, prays that the writ petition be dismissed.

7. Having considered the submissions of the learned counsel for the parties and perused the record, we find that while as per the respondents' Medical Boards, the petitioner was found to be weighing 79 kgs, on the very next day, his weight was recorded as 73 kgs by a government hospital namely Lok Bandhu Raj Narayan Combined Hospital, Lucknow.

8. In these circumstances, we are of the view that an error of judgment on the part of the Medical Board and the Review Medical Board cannot be ruled out. We are, therefore, of the view that the petitioner's prayer for a



fresh medical examination for determining his weight deserves to be accepted.

9. We may note that though it was put to the learned counsel for the respondents that the petitioner's weight could be got checked from the Delhi Government Employees Health Scheme (DGEHS) Centre located in the Delhi High Court premises itself, he, on instructions, submits that in this factual matrix, the petitioner may be directed to present himself before the Medical Superintendent, Composite Hospital, CRPF, Jharoda Kalan, New Delhi for re-assessment of his weight.

10. Learned counsel for the petitioner has no objection to this request.

11. We, accordingly, dispose of the writ petition by directing the petitioner to appear at 11:00 AM tomorrow i.e. 05.09.2024 before the Medical Superintendent, Composite Hospital, CRPF, Jharoda Kalan, New Delhi, who will assess his weight and furnish his report to the competent authority. It is further directed that in case, the weight of the petitioner is found to be within the acceptable limits, he will be considered for appointment as a Constable (Driver), subject to his meeting all other eligibility criteria as per rules.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 4, 2024/ss