



2024:DHC:8262-DB



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

Date of decision: 24.10.2024

+ W.P.(C) 15001/2024
ANUJ KUMAR

.....Petitioner

Through: Mr.Kaushal Yadav, Mr.Nandlal
Mishra, Mr.Onkar Nath
Sharma, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr.Arjun Mahajan, SPC,
Mr.Dushyant Pratap Singh, GP,
Ms.Priyanka Yadav,
Mr.Apoorv Upamyu, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 62862/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 15001/2024 & CM APPL. 62861/2024

2. This petition has been filed by the petitioner praying for a direction to the respondents to consider the case of the petitioner for recruitment to the post of CT(GD)/EXAM-2024 in CAPFs, on the basis of his own merits in accordance with the procedure provided in the notice dated 24.11.2023.

3. The petitioner also challenges the Medical Reports dated 27.09.2024 and 30.09.2024, wherein the petitioner has been declared



medically unfit for the recruitment to the above post on the ground of his being suffering from hypertension.

4. It is the case of the petitioner that the petitioner is fully fit and the same is also evident from the Medical Certificate dated 14.10.2024, issued by the Chief Medical Officer, Etah, UP.

5. The learned counsel for the petitioner has drawn our attention to the Judgment dated 24.07.2024 passed by this Court in WP(C) 10108/2024, titled **Ashish v. Union of India & Ors.**, in which, considering similar facts, this Court has observed and directed as under:

“7. Having considered the submissions of learned counsel for the parties and perused the record, we find that as per the medical opinion given by the Javitri Hospital & Test Tube Baby Centre, Raibareilly Road, Telibagh, Lucknow, it has been specifically reported that the petitioner was not suffering from “Hypertension”. In these circumstances, even though the respondents are correct in urging that the findings of a civil hospital cannot be a ground to determine the medical fitness of persons for joining the Armed Forces, we are of the view that an error of judgment on the part of the Medical Boards conducted by the respondents cannot be ruled out. It would, therefore, be in the interest of justice to direct the medical examination of the petitioner by an independent Medical Board at Army Hospital (R&R), New Delhi.

8. We, therefore, allow the writ petition by directing the respondents to get the petitioners examined by a three member Medical Board at the Army Hospital (R&R), New Delhi within four weeks and accordingly, request the Medical Superintendent, Army Hospital (R&R), New Delhi to constitute a three



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member Medical Board including a cardiologist at the earliest to examine the petitioner and give opinion regarding his medical fitness.

9. The writ petition is, accordingly, allowed in the aforesaid terms by making it clear that the decision taken by the Medical Board at the Army Hospital (R&R), New Delhi, will be binding on both sides and in case, the petitioner is declared medically fit to join the SSB, he will be appointed as a Head Constable (Communication) within six weeks from the date he is declared fit with notional seniority and pay fixation subject to his fulfilling all other eligibility criteria.”

6. In view of the above, the present petition is disposed of with similar direction.

7. As the petitioner has contended that the respondents are on the verge of finalizing the results, it is further directed that the Army Hospital (R&R), New Delhi shall examine the petitioner within a period of two weeks from today.

8. Copy of the order be given *dasti* under the signature of the Court Master.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 24, 2024/Arya/as

Click here to check corrigendum, if any