



2024:DHC:9748-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 12.12.2024*

+ W.P.(C) 16752/2024 & CM APPL. 70918/2024  
PARTH KARAMCHANDANI

.....Petitioner

Through: Ms.Rashi Bansal &  
Mr.Vishwajeet Dubey, Advs.  
along with the petitioner  
present in person.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Anil Kumar Saxena, SPC &  
Mr.Rajendra Rawat, GP along  
with Major Anish Muralidhar,  
Army.  
Mr.Ravinder Agarwal, Mr.Lekh  
Raj Singh & Mr.Manish Kumar  
Singh, Advs. for R-2.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE SHALINDER KAUR**

**NAVIN CHAWLA, J. (Oral)**

1. This petition has been filed by the petitioner challenging the Order dated 02.08.2024 issued by respondent no.1, declaring the petitioner medically unfit for appointment in either the Army, Airforce or Navy through admission in the National Defence Academy/Naval Academy.
2. The petitioner had applied pursuant to the advertisement issued for the National Defence Academy and Naval Academy Examination



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(I), 2024. Having successfully cleared the examination, he underwent a medical examination at the Military Hospital, Prayagraj, which declared him unfit for appointment in its report dated 02.08.2024, on the following grounds:

- “1. Swan Neck Deformity - Middle Finger,  
Left Hand*
- 2. Knock Knees*
- 3. Defective Color Vision*
- 4. Bilateral (B/L) Attic Retraction.”*

3. Aggrieved by the same, the petitioner got himself examined at the Venkateshwar Hospital, where the doctors declared him fit, *inter alia*, reporting that the petitioner has Type A attic retraction, which is not a hindrance to serving in the Army.

4. The petitioner accordingly applied for an Appeal Medical Board, which was granted to him on 28.09.2024 and conducted at the Base Hospital, Delhi Cantt. However, the petitioner was again declared unfit because of the following reasons:

- “1. B/L Attic Retraction*
- 2. B/L Poor Middle Ear Compliance”*

5. The petitioner applied for a Review Medical Board at the RR Hospital, New Delhi, however, the respondents announced the merit list of selection and subsequently rejected the request of the petitioner for a Review Medical Board *vide* a notification dated 07.11.2024.

6. The petitioner has, therefore, approached this Court by way of the present petition.

7. In support of the claim of the petitioner for being subjected to a Review Medical Board, the learned counsel for the petitioner relied upon the medical examination conducted by the Venkateshwar



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Hospital and submitted that the petitioner was found suffering from Attic Retraction Type A in the right ear, which is an acceptable condition for recruitment in the Indian Air Force, and there is no bar on recruitment for the said condition as far as the Indian Army is concerned.

8. Considering the above submission, this Court, *vide* its order dated 04.12.2024, had directed the learned counsel for the respondents to seek instructions.

9. The learned counsel for the respondents has today produced before us the medical file of the petitioner, which shows that the ENT Specialist at the Military Hospital, Prayagraj, had declared the petitioner unfit for appointment for B/L attic retraction *vide* report dated 29.07.2024. The Appeal Medical Board of the petitioner was conducted at the Base Hospital, Delhi Cantt, wherein, *inter alia*, audiometry and tympanometry tests were also conducted, and he was declared medically unfit for appointment on the grounds of B/L attic retraction and B/L poor middle ear compliance.

10. The learned counsel for the respondents has further submitted that even the report from the Venkateshwar Hospital shows that the petitioner is suffering from attic retraction Type AS in the left ear. He submits that, therefore, even by this report, the petitioner would not be entitled to appointment and is liable to be declared medically unfit as Attic Retraction Type AS is also not acceptable for recruitment.

11. The learned counsel for the petitioner, on the other hand, still insists that the petitioner should be referred to a Review Medical Board, as it is not appearing from the record if the tympanometry test



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had been conducted on the petitioner at Prayagraj, and there is an inconsistency between the report of the Appeal Medical Board and the Venkateshwar Hospital. She has also placed reliance on the judgment of this Court in *Vijay v. Union of India & Ors*, 2023 SCC OnLine Del 1688.

12. We have considered the submissions made by the learned counsels for the parties.

13. At the outset, we would re-emphasize that the medical standards required for appointment to the Indian Army are stringent, and no laxity or sympathetic consideration of the same can be accepted. The rigors and the stress required of the job also require stringent application of the medical standards.

14. In the present case, there is a consistent finding between the Initial Medical Board and the Appeal Medical Board regarding the petitioner suffering from attic retraction of the ear. The finding of at least the Appeal Medical Board is supported by a clinical examination of the petitioner. Though it finds the petitioner to be suffering from Type C attic retraction, while the report from Venkateshwar Hospital finds the petitioner suffering from Type AS attic retraction in the left ear, we have been informed that even Type AS attic retraction would lead to disqualification of the petitioner.

15. In view of the above facts, we do not consider it to be a fit case to direct the respondents to make the petitioner undergo a Review Medical Examination as well. We have no reason to doubt the opinions that have been rendered by the Initial Medical Board as well as by the Appeal Medical Board, as far as the case of the petitioner is



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concerned.

16. Accordingly, we do not find any merit in the present petition. The petition along with the pending application is accordingly dismissed.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**DECEMBER 12, 2024/rv/as**

*Click here to check corrigendum, if any*