

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 04.07.2025

Pronounced on : 26.09.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**W.P.No.37303 of 2015**
and M.P.No.1 of 2015

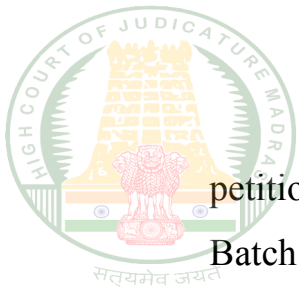
L.Sujin ... Petitioner
[amended vide order dated 04.07.2025 made in WMP No.26585 of 2025]

Vs.

1. The Commanding Officer,
Coast Guard District Headquarters No.5,
Fort St. George, Chennai – 600 009.
[R1 amended vide order dated 26.09.2025]
2. The Director General (For D/Rect),
Coast Guard Head Quarters,
A-1 Sec-24 Noida, Opp HCL Technologies,
Gautham Budh Nagar, Uttar Pradesh – 201 301.
3. The Recruitment Officer/ Commanding Officer,
INS Camp Chilka, Chilka Post, Khurda District,
Odisha – 752 037.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent dated 22.08.2015, quash the same and consequently direct the respondents to enroll/ appoint the



petitioner into the Indian Coast Guard as Yantrik Technical (Mechanical) in Batch 02/2015 with all consequential benefits.

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For Petitioner : Mr.S.Ramasamy

For Respondents : Ms.Sunita Kumari,
Special Panel Counsel

ORDER

The brief facts that are relevant for disposal of this writ petition are as under:-

1.1. In response to a notification issued by the respondents for filling up the post of “Yantrik Technical (Mechanical)” in the Indian Coast Guard for the batch 02/2015, the petitioner submitted his online application vide Application No.215/912930 dated 06.03.2015. The petitioner was found eligible and he was allotted Roll No.EYM/CH/B/215/11097 and was allowed to appear for the written examination held on 16.04.2015 at Chennai. In the said written examination, the petitioner was declared as passed and thereafter, he was subjected to physical fitness test along with other candidates and he was declared as 'qualified' in the physical fitness test. It was thereafter, the petitioner was subjected to initial medical examination held at the Recruitment Centre, Chennai and he was declared medically fit. Accordingly, the petitioner was placed in the merit list and he was issued a call letter dated



18.07.2015 for final medical examination for enrollment in the Indian Coast

Guard. He was also required to report to the Recruitment Officer, INS Chilka

at 09:00 a.m., on 22.08.2015. Accordingly, the petitioner appeared before the

Recruitment Officer on 22.08.2015 and on his appearance, the petitioner was

examined by the medical officer at INS, Chilka and was referred to a surgical

specialist on INHS, Nivardini, where he was declared unfit for enrollment due

to “Multiple Hypopigmented to Depigmented Macules over both the Lower

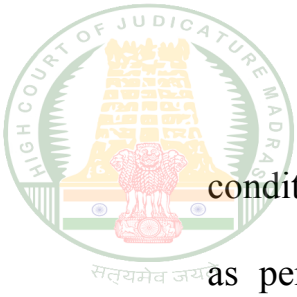
Limbs” (hereinafter referred to as 'Multiple Hypopigmentation') and

accordingly, he was informed about the same by a letter dated 22.08.2015

issued by the Recruiting Officer concerned. It is aggrieved by the said letter

dated 22.08.2015, the petitioner filed the present writ petition.

2. The respondents filed counter-affidavit contending that the petitioner was found medically unfit by the Specialist at INHS Nivardini and there is no requirement to conduct any test to view the skin condition which was visible on surface. It is also contended that there was no requirement to conduct any specialized test at the time of recruitment medical examination. It is also further stated that the standard medical literature brings out various medical conditions associated with Hypopigmentation and that certain skin



conditions with Hypopigmentation do have high risk of skin cancer in future, as per the medical literature. It is also further stated that such medical conditions would entail attention for providing medical care during training and further service and selection of such candidates would defeat the purpose of screening individuals for underlying medical conditions as per prevailing coast guard policy.

3. Heard Mr.S.Ramasamy, learned counsel for the petitioner and Ms.Sunita Kumari, learned Special Panel Counsel for the respondents.

4. The respondents, in their counter-affidavit, have taken a serious objection about the description of the Respondent No.1 and contended that proper description of the Respondent No.1 would be “The Commanding Officer, Coast Guard District Head Quarters No.5, Fort St. George, Chennai – 600 009” but not the description as provided in the cause-title of the writ petition. In view of such a stand, the description of the Respondent No.1 shall stand amended duly amending the same as “The Commanding Officer, Coast Guard District Headquarters No.5, Fort St. George, Chennai – 600 009”.



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5. It is not in dispute that the entire selection of the petitioner for the post of 'Yantrik Technical (Mechanical)' is subject to final medical examination by the Medical Officer at INS, Chilka, and the same is evident from the call letter dated 18.07.2015 issued to the petitioner. In terms of Paragraph No.3, the petitioner shall have no claim for enrollment in the Indian Coast Guard in case if he is found medically unfit. The petitioner was found unfit by the Medical Officer at INS, Chilka on the ground that the petitioner is having Multiple Hypopigmentation and the same has high risk of skin cancer in future and the same also would require attention for providing medical care during training and further service. It is not in dispute that the petitioner is having Multiple Hypopigmentation. Admittedly, the petitioner had already taken treatment for the same. As already noted above, the petitioner has already passed the written examination as well as the test of physical fitness conducted by the respondents.

6. The respondents have declared the petitioner as medically unfit without subjecting him to any test, and it is only on mere visual examination of the lower limbs of the petitioner, he was declared medically unfit. It is an admitted fact that no test, much less special tests, have been conducted before



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declaring the petitioner as medically unfit. Mere Hypopigmentation, which is admittedly a type of skin condition/ skin disease is sufficient for declaring the petitioner as medically unfit for the post of 'Yantrik Technical (Mechanical)' or not is required to be examined. So also, the procedure/ process that was adopted by the respondents while subjecting the petitioner to final medical examination is proper or not is also required to be examined.

7. As already noted above, the petitioner was subjected to physical examination test and he was found fit by the respondents for the post in question. He was also subjected to an initial medical examination and was found medically fit. However, it is only at the time of final examination before enrollment, he was found medically unfit by looking at the lower limbs of the petitioner and finding that there is multiple Hypopigmentation on his both the lower limbs. Even according to the counter-affidavit filed by the respondents before this court, it is not even their case that the petitioner is suffering with any disability because of his skin condition on both the lower limbs. It is only on an apprehension that such a skin condition do have high risk of skin cancer in future as per medical literature, the petitioner is treated as medically unfit. Whether such a course of action can be allowed or not is



also a matter to be examined in the light of various decisions rendered by different courts under similar circumstances.

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8. At the outset, this court is of the view that such an action on the part of the respondents in rejecting the candidature of the petitioner by declaring him as medically unfit merely on finding that there is multiple Hypopigmentation on his both the lower limbs, that too by simple visual examination, is highly arbitrary and illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

9. This court, having heard the matter at length, required the respondents to substantiate the basis for declaring the petitioner as medically unfit on the ground that he was having Hypopigmentation, without there being any scientific basis for the same. In spite of granting sufficient time, the learned counsel appearing for the respondents failed to produce any basis for the same. However, she produced a copy of the Manual on medical examination and medical standards for entry into Army and MIL Schools dated 16.07.2019. The said Manual provides for ready reckoner for medical examination. In terms of Paragraph No.62 of the same, the standards for

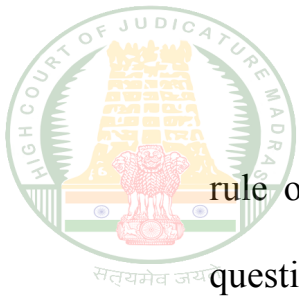


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general physical examination were fixed. In terms of Clause (q) of Paragraph No.62, the candidates with any of the chronic skin diseases enumerated therein are liable to be rejected. No doubt, hyperpigmented patches is one of the skin disease enumerated therein. The relevant Clause (q) reads as under:-

“(q) Candidates with any of the following diseases like chronic skin disease, psoriasis, lichen planus, recurrent infections, vitiligo, bullous diseases, eczema, chronic lumphoedema, contact dermatitis, hyperhidrosis, ichthyosis, palmoplantar keratoderma, oncomycosis, recurrent urticaria, angioedema, dermatographism, keloids, any congenital or hereditary disease, leprosy or any STD. HIV, varicose veins, hyperpigmented patches, petechiae, ecchymosis etc will be a cause for rejection”

10. In terms of the above clause, it is only the chronic skin disease or chronic hyperpigmented patches are the causes for rejection of candidature. In the instant case, it is not even the case of the respondents that the petitioner is suffering from chronic skin disease or that the multiple Hypopigmentation which was found on the lower limbs of the petitioner is chronic in nature. Be that as it may, the said Manual is dated 16.07.2019. Whereas, the recruitment in question is of the year 2015. Therefore, the question of applying the standards prescribed under Manual dated 16.07.2019 to the case of the petitioner does not arise. As already noted above, no such



rule or regulation or Manual etc., that are applicable to the recruitment in question are produced before this court.

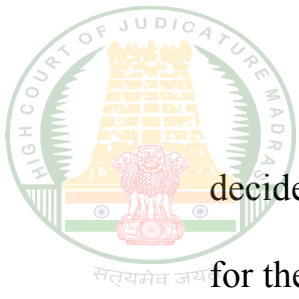
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11. However, the learned counsel appearing for the respondents placed reliance on various decisions rendered by different High Courts and the Hon'ble Supreme Court in order to sustain the impugned letter of the respondents. The reliance placed on the decision of the Hon'ble Apex Court in the case of ***“State Bank of India – G.K. Deshak”*** reported (1994) Suppl 1 SCC 70 is concerned, there is no quarrel on the ratio laid down by the Hon'ble Apex Court holding that the scope of judicial review in the matter of declaring a candidate to be unfit on medical grounds is very limited. The decision relied upon by the learned counsel for the respondents namely the decision in ***W.P.No.23853 of 2016*** dated ***17.10.2016*** rendered by the learned Division Bench of this court is concerned, the same is a case where the petitioner was subjected to various medical tests and after conducting all those tests, the petitioner therein was found to be suffering from rheumatic heart disease and the candidate therein was found to be fit for light work only. So also, in another decision of the learned Single Judge of this court in ***W.P.No.37180 of 2015*** dated ***24.10.2018*** is concerned, the candidate therein



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was declared medically unfit due to 'Hyper Hydrosis' and he was not enrolled in the Indian Coast Guard. In the above decisions, this court, having come to the conclusion that the findings recorded during the course of medical examination cannot be interfered with by the courts. But here is a case where there was no examination of the petitioner, except declaring him unfit on mere visual examination. The decision of the High Court of Delhi in ***W.P(C) No.17783 of 2020*** dated ***12.08.2020*** is concerned, that is a case where the Medical Board found the candidate as unfit and the same was refused to be interfered with. Yet another decision of Delhi High Court relied upon by the learned counsel for the respondents in the case of ***“Ajay -vs- Union of India and others”*** reported in **(2022) SCC OnLine Del 437** is concerned, that is a case where the results of the detailed medical examination as well as the appellate medical examination found the petitioner therein as unfit, as the petitioner therein was suffering from 'Vitiligo'. Under those circumstances, it was held that it is not for the court to disregard or doubt the medical reports. So also, the decision of Rajasthan High Court in the case of ***SB Civil Writ Petition 1664 of 2020*** dated ***05.07.2023*** is also a case where the candidates were found medically unfit due to abnormality in the ECG i.e., basing upon some medical reports. Therefore, the case of the petitioner herein cannot be



decided by applying the above decisions relied upon by the learned counsel for the respondents.

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12. Then, coming to the decision relied upon by the learned counsel for the petitioner, in the considered view of this court, the said decisions rendered by the High Court of Andhra Pradesh would be more relevant to the case on hand. In the case of “***K.Gangadhar -vs- Andhra Pradesh State Road Transport Corporation, Hyderabad and another***” reported in (2006) SCC OnLine AP 972, the learned Division Bench of the Andhra Pradesh High Court considered the case of candidates suffering from extensive 'vitiligo' and found that 'vitiligo' is a common skin disorder wherein parts of the skin lose their normal colour and appear more white or grey and is not contagious in nature. It was also found that the same, in any manner will not affect persons' ability to discharge his normal duties and thus came to the conclusion that including the 'progressive vitiligo' as one of the medical condition that would disqualify for appointing of a candidate into service of the Andhra Pradesh State Road Transport Corporation was found to be arbitrary and held as under:-

“25. Medical evidence placed on record reveals that, in terms of physical and mental fitness, persons



afflicted with "Vitiligo" are similarly situated with others who are not so affected and possess the physical and mental fitness required for employment in the respondent-Corporation. No evidence to the contrary has been placed by the respondents before this Court. Classifying persons with "Vitiligo" as a group for denying employment, on the erroneous premise that they lack the standards of physical and mental fitness required for discharging the duties of a Conductor in the APSRTC, does not satisfy the second of the twin conditions for a valid classification that the differentia must have a rational nexus to the object sought to be achieved. A valid classification, whereunder persons with common characteristics are safeguarded as a group, postulates a rational basis and does not mean herding together of certain persons and classes arbitrarily. Including persons afflicted with "Vitiligo", along with other categories of persons who are medically unfit for appointment in the Corporation, as one single homogenous class, is therefore in violation of Articles 14 and 16 of the Constitution of India.

26. The mere fact that Clause 4(c)(ii) of the Medical Manual is in the nature of administrative instructions, and does not have statutory force, is of no consequence since the mandate of Articles 14 and 16 and apply to administrative instructions also. Reserve Bank of India v. S.Jayarajan 1995 Suppl. 4 SCC 584, Gajula Dasaratha Rama Rao v. State of A.P. Nor is there any force in the contention that the provisions of the Medical Manual, including Clause 4(c)(ii) are matters of executive policy and cannot be subjected to judicial review under Articles 226 of the Constitution of India, for it is well settled that if a policy decision is demonstrably capricious or arbitrary, is not informed by reason or suffers from the vice of discrimination or infringes any provision of the Constitution it is liable to be struck down. Krishnan Kakkanath v. Government of



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W.P.No.37303 of



Kerala . Clause 4(c)(ii) of the Medical Manual is ultra vires Articles 14 and 16 of the Constitution of India. The sanitization of the Corporation, through a process of preventing entry of persons afflicted by "Vitiligo" is inhuman and without justification. Denying employment on the plea that such persons may not be "cosmetically acceptable to the public" is apartheid in a different form. The respondent-Corporation is not holding a beauty pageant and disqualifying a person from employment on the basis of his looks or appearance smacks of perversity of a very high degree."

Thus, it is evident that the learned Division Bench also further took into consideration the Medical Manual and came to the conclusion that the said medical Manual does not have any statutory force and as such, the same is of no consequence since the mandate of Articles 14 and 16 apply to the administrative instructions also. Thus, from the facts of the case on hand, it is also a case where, by seeing the cosmetic appearance of the lower limbs of the petitioner, he was found medically unfit for the post in question, but not by subjecting him to any scientific medical examination.

13. Yet another decision relied upon by the learned counsel for the petitioner is in the case of “***Union of India -vs- Nenavath Suresh***” reported in (2018) SCC OnLine HYD 294, which considered the case of a candidate whose candidature was rejected on the ground that he was suffering from



'Morbid Obesity and Uncontrolled Hypertension', the learned Division Bench

considered the said case in detail and held that a person who is presently capable of doing the job cannot be denied employment on the ground that he may develop complications in future. The relevant paragraphs from the said decision reads as under:-

14. The aforestated discussion of the Board, as set out in the Minutes, in our opinion, clinches the issue. The specific observation made by the Tribunal, in the earlier order dated 07.06.2017, was that the authorities should undertake medical examination to ascertain and verify whether the respondent was capable of performing the duties attached to the post. However, such an exercise was not taken up at all. Further, contrary to the specific direction of the Tribunal that a candidate could not be declared unfit for a post on the ground that he may develop complications in future in relation to the diseases/disorders that he suffers from, the Board took into account the possibility of further target organ damage as such damage had already started and opined that the respondent was unfit for the post. The discussion therefore puts it beyond the pale of doubt that the Medical Board was influenced by the future complications, including further target organ damage, that the respondent might suffer from at a later date to come to the conclusion that he was unfit for appointment at this stage.

15. As matters stand, the respondent suffers from blood pressure (hypertension) and is overweight. He has no heart disease or other major complications as is clear from the certificates issued



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W.P.No.37303 of



by the Osmania General Hospital, Hyderabad, on 11.09.2017 and 14.09.2017, wherein he was found to be physically and mentally fit for the job. On a fundamental level, the duties attached to the post, as set out supra, demonstrate that performance thereof by the respondent may not be impaired by his being overweight or due to his hypertension.

16. Essentially, the issue that arises is whether a person who suffers from ill-health can be denied employment on the ground that his continued utility is in doubt. It is indeed surprising, if not shocking, that a Central Government Organization such as the NFC should resort to such a practice, whereby a person who is presently capable of doing the job is being denied employment on the ground that he may develop complications in future. That is clearly the thrust of the Medical Boards opinion which was accepted by the NFC and led to the rejection of the respondents candidature once again under the letter dated 05.09.2017. As to whether the respondent suffers from hypertensive retinopathy at all is one aspect of the matter but as rightly pointed out by the Tribunal, the authorities seem to have gone on a witch-hunt to come up with new diseases/disorders so as to show the respondent the door. This is clear from the fact that the second Medical Board went to great lengths to ascertain the extent of the sleep disorder (apnea) afflicting the respondent. It is however not brought out as to how such a sleep disorder would adversely impact the performance of duties by the respondent, if appointed.”

14. The said decision was carried in appeal before the Hon'ble Apex Court in ***SLP (C) No.4907 of 2019*** and the Hon'ble Apex Court, having

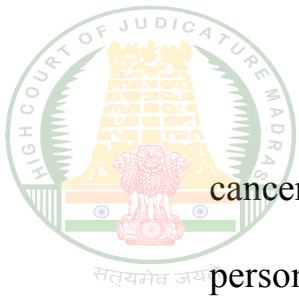


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considered the matter, permitted the candidate therein to join the post of work assistant on probation and thereafter called for a report from the authorities on the suitability of the candidate therein after six months. Thereafter, on receiving the report that the services rendered by the candidate therein was satisfactory, the Hon'ble Apex Court dismissed the said SLP upholding the decision of the High Court of Hyderabad.

15. Thus, from the above discussion and consideration of various decisions rendered by different courts, it emerges that the candidature of any candidate cannot be denied on the ground that the ill-health or disease that is being suffered by such candidate may lead to complications in future. Once he is found to be capable of discharging the duties attached to the post for which he is selected, the likelihood of the future complications can never be a factor for declaring such candidate as medically unfit for any post.

16. In the instant case, as seen from the counter-affidavit, the petitioner was found to be medically unfit as there was Hypopigmentation on both the lower limbs of the petitioner which is likely to cause cancer in future. No doubt, cancer is a deadly disease, but there is no standard or scientific test or procedure by which one can be identified as a person likely to suffer from



cancer in the future. It is well known fact that cancer disease may affect any person, at any point of time, at any age and on any part of body, notwithstanding the fact that one may have very good health condition presently. When there is no certainty as to whom the deadly disease of cancer would affect, it is not understandable as to how the respondents can declare the petitioner as medically unfit on the ground that he is likely to get cancer disease in future.

17. As already noted above, it is not even the case of the respondents that the petitioner is suffering from any chronic skin disease, as admittedly, the respondents have not subjected the petitioner to any specific or scientific test before declaring him as medically unfit. In the light of the above, this court does not find any justification for the respondents to declare the petitioner as medically unfit solely on the ground that he is having multiple Hypopigmentation.

18. As the petitioner was found fully qualified and fit for the post of 'Yantrik Technical (Mechanical)' and he has already undergone the entire selection process and was disqualified only at the stage of final medical examination, this court, while declaring the action of the respondents in



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declaring the petitioner as medically unfit especially the manner in which he was declared as such, the respondents are hereby directed to enroll the petitioner as 'Yantrik Technical (Mechanical)' in the Indian Coast Guard and examine the suitability or otherwise of the petitioner for the said post for a period of six months. In case, if the services of the petitioner are found to be satisfactory, the respondents shall continue the petitioner on a regular basis on par with other similarly situated candidates. The entire exercise of enrolling the petitioner shall be completed by the respondents, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this order.

19. Accordingly, the writ petition is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

26.09.2025

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Index : Yes / No

Speaking order / Non-speaking order

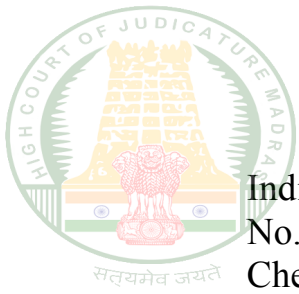
Neutral Citation : Yes / No

MUMMINENI SUDHEER KUMAR, J.

skr

To

1. The Recruitment Officer/ Commanding Officer,



W.P.No.37303 of



Indian Coast Guard District Head Quarters,
No.4, G.M.Pettai Road, Royapuram,
Chennai – 600 013.

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2. The Director General (For D/Rect),
Coast Guard Head Quarters,
A-1 Sec-24 Noida, Opp HCL Technologies,
Gautham Budh Nagar, Uttar Pradesh – 201 301.
3. The Recruitment Officer/ Commanding Officer,
INS Camp Chilka, Chilka Post, Khurda District,
Odisha – 752 037.

Pre-Delivery Order made in
W.P.No.37303 of 2015

26.09.2025