



**206-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-21524-2017 (O&M)
Reserved on: 04.12.2025
Pronounced on: 08.12.2025**

Parveen Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jangjit Singh Dahiya, Advocate and
Mr. Phool Kumar, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J.

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 29.06.2017 and 31.07.2017 whereby he has been declared flat feet and his candidature for the post of Constable has been rejected.

2. On 20.09.2017, the following order was passed by this Court:

“Inter alia contends that the petitioner was selected as Constable and the Medical Board, Faridabad had found 'Bilateral Pes Planus' is flexible and no functional defect was seen and his case was referred to SKH Medical College, Nalhar, for expert opinion, which also gave a similar opinion. Eventually, his case was referred by the order of the DGHS, Haryana to PGIMS, Rohtak. Counsel refers to the diagnostic report dated 18.07.2017 (Annexure P-13), to submit that there was no significant abnormality noticed and referred to the opinion of the Medical Board dated 31.07.2017 (Annexure P-15) to submit that the

opinion that petitioner had 'Bilateral Flat Feet' (Pes Palnus) on the right side, was not justifiable. It is submitted that the petitioner had also applied for a job with the Delhi Police and there was a issue regarding the medical fitness but eventually, as per certificate dated 14.07.2017 (Annexure P-14), the final opinion was 'fit', though reasons for medical unfitness was also regarding 'Flat Foot'.

Notice of motion for 14.11.2017.

In the meantime, the vacancy of the petitioner shall not be filled up by another candidate.”

3. The aforesaid order was followed by order dated 01.02.2023 which reads as:

“It appears that the case of the petitioner was referred by the Civil Surgeon, Faridabad to the Medical Superintendent, PGIMS Rohtak for conducting medical examination by the Medical Board of the PGIMS Rohtak. The aforesaid reference was made in view of the fact that the District Medical Board, Faridabad found B/L flexible Pes Plances and no functional defect was seen. Thereafter the case of the petitioner was referred to SKH Medical College, Nalhar for expert opinion. According to the expert opinion of SKH Medical College, Nalhar, the petitioner was found to be Bilateral pes plances (flexible type). In this background, the case of the petitioner was referred to PGIMS Rohtak by order of the DGHS, Haryana.

In PGIMS Rohtak, CT Scan was conducted and impression was that CT imaging revealed no significant abnormality. Thereafter PGIMS Rohtak on the basis of examination of the petitioner clinically, radiologically and footprint test gave opinion that the petitioner's case is of bilateral flat feet (Pes Planus) right side more than left side.

Learned counsel for the petitioner seeks time to place on record the radiological report, the reference of

which finds mentioned in the letter dated 31.07.2017 issued by the Department of Orthopaedic, PGIMS Rohtak to the Medical Superintendent, PGIMS Rohtak in respect of special medical examination of the petitioner.

The contention of learned counsel for the petitioner is that the aforesaid radiological test of the petitioner does not impede the prospects of the petitioner for being selected as Constable, as nothing abnormal was found therein.

Adjourned to 25.07.2023.”

4. Learned counsel representing the petitioner reiterates submissions made at the time of order dated 20.09.2017.

5. Learned State counsel submits that neither report of PGIMS, Rohtak nor Recruitment Board, Delhi Police confirms that petitioner is not a flat feet whereas both reports are creating doubt.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. A Division Bench of this Court while adverting to similar issue in ***LPA No.871 of 2022*** titled as ***‘Sumit Vs. Union of India’***, decided on 24.04.2023 has held that once the medical experts have examined and re-examined the appellant, this Court is not required to sit over the same and adjudicate upon the correctness of the opinion(s) expressed by the Medical Experts especially when this Court does not have expertise to decide as to whether the opinion(s) of the expert are right or wrong. The relevant extracts of the judgment read as :

“Having heard learned counsel for the parties, we are of the considered view that in the facts and circumstances of the case, no illegality or infirmity can be found in the impugned order passed by the learned Single Judge. The appellant has been examined twice firstly by

the Recruitment Medical Board and thereafter by the Appeal Medical Board which has also obtained opinion from the Command Hospital, Eastern Command, Kolkata and thereafter taken a decision in the matter. All medical experts have found the blood pressure and other parameters not to be in consonance with those prescribed. We are also in agreement with the opinion expressed by the learned Single Judge to the effect that once the medical experts have examined and reexamined the appellant's case thoroughly, this Court is not required to sit over the same and adjudicate upon the correctness of the opinion(s) expressed by the Medical Experts especially when this Court does not have the expertise to decide as to whether the opinion(s) of the Medical Experts are right or wrong. The process of medical examination cannot be converted into an endless process and therefore, finality to the opinion of the Appellate Medical Board has rightly been prescribed. As far as the reliance placed by learned counsel for the appellant on the order passed by this Court in Letters Patent Appeal No. 635 of 2018 is concerned, it is evident that the said appeal was decided on the conjoint consensus statement made by the parties and therefore, it was an order passed on the basis of the consent given by the parties and does not form any binding precedent. In that case as the matter had been allowed by the learned Single Judge taking into account the medical reports of an hospital, which was not part of the medical set up of the respondents, and inspite of the negative reports being given by the Recruitment Medical Board as well as the Appeal Medical Board and therefore, the Union of India had made a statement that they will get further examination done from the Army Hospital (Research & Referral) New Delhi, a defence hospital and not a private one, to which the appellant therein had agreed and on the basis of the statements made by the parties with consent, the appeal was disposed of. In such circumstances, the reliance placed by learned counsel for the appellant on the

order passed in LPA No. 635 of 2018 is misconceived. In the instant case, there is concurrent opinion given by the Medical Experts of the Recruitment Medical Board as well as the Appeal Medical Board that the appellant is unfit for appointment in Indian Air Force.”

8. The petitioner was examined by PGIMS, Rohtak. He was also examined by Recruitment Board, Delhi Police. It is apt to notice that a Board of Doctors of PGIMS, Rohtak examined him. Report of PGIMS, Rohtak reads as:

“Sub: Special Medical Examination in r/o Parveen Kumar S/o Sh. Surender Singh.

Ref:- Your office letters No PGIMS/MB/17/9984 dated 12.07.2017.

Mr. Parveen Kumar S/o Sh. Surender Singh was examined clinically, radiologically and foot print test by the members of the board. The medical board is of the opinion that there is bilateral flat feet (Pes Palnus) right side more than left side.

Identification marks:-

- 1. Mole on right side of neck.*
- 2. Mole on neck below right ear.*

*Sd/-
Dr. Amit Batra
Assoc. Professor
Deptt. of Ortho
Member of the Board*

*Sd/-
Dr. Raj Singh
Assoc. Professor
Deptt. of Ortho
Member of the Board*

*Sd/-
Dr. Ashish Devgan
Sr. Professor
Deptt. of Ortho
Member of the Board*

*Sd/-
Dr. Roop Singh
Sr. Professor
Deptt. of Ortho
Member of the Board”*

[Emphasis supplied]

9. The petitioner appeared before Recruitment Board, Delhi Police where he was found 'flat feet'. His candidature was rejected. He was re-examined and found fit for the post. He is relying upon said report which reads as:

*“STAFF SELECTION COMMISSION
SUB-INSPECTOR IN DELHI POLICE, CAPFS
AND ASSISTANT SUB INSPECTOR IN CISF EXAMINATION-2016*

*FORM NO. DELHI POLICE, CAPFS/SI (DIRECT ENTRY)-4
RESULT OF REVIEW MEDICAL EXAMINATION
(FOR UNFIT CANDIDATES)*

<i>Roll No.</i>	<i>:</i>	<i>220102032</i>
<i>Name of the candidate</i>	<i>:</i>	<i>PARVEEN KUMAR</i>
<i>Sex</i>	<i>:</i>	<i>MALE</i>
<i>Father's Name</i>	<i>:</i>	<i>SURENDER SINGH</i>

Identification Marks

(1) Mole on right side of neck *(2) Mole on right side of face*

Candidate's Signature (In presence of the Board) *Sd/- (Parveen)*

1. Reasons of Medical Unfitness

'FLAT FOOT'

*2. Brief of Review Medical Examination & finding thereof O/E B/C ALCH-1
SEEO/Please HEIGHT OF ALCH or BOTH SIDE is more than 1.5 cm.*

3. Final Opinion

(a) Fit: -FIT-

(c) Unfit on account of X

*Place: R. Hospital Gr. NOG
Date: 14/07/2017*

*P.O. Sd/- 19.7.17
(Name and signature with stamp)
Member -1 Sd/-
(Name and signature with stamp)
Member-2 Sd/-
(Name and signature with stamp)
Cop-opted Member (if any)
(Name and signature with stamp)”*

[Emphasis supplied]

10. From the perusal of aforecited reports, it is evident that it cannot be concluded that petitioner is not flat foot. This Court cannot form an opinion that petitioner is not flat foot and should be considered

for the post. As per Advertisement and Punjab Police Rules, 1934, a flat foot is ineligible.

11. In view of aforecited judgment as well as factual and legal position, this Court finds that petition being bereft of merit deserves to be dismissed and accordingly dismissed.

12. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

08.12.2025

Prince Chawla

Date of Uploading: 08.12.2025

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No