



2025:DHC:11503-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 15442/2023 & CM APPL. 61915/2023**  
**ADITYA SHARMA** .....Petitioner  
Through: **Dr. S.S. Hooda, Adv.**

versus

**UNION OF INDIA & ANR.** .....Respondents  
Through: **Mr. Shashank Garg, Sr. Adv.**  
with **Ms. Vidhi Gupta, Ms. Aradhya**  
**Chaturvedi, Ms. Nishtha Garg and Mr.**  
**Kultar, Advs.**

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT (ORAL)**

% **16.12.2025**

**C.HARI SHANKAR, J.**

1. In response to an advertisement published by the Indian Coast Guard<sup>1</sup> for recruitment to the post of Assistant Commandant (General Duty), in January 2023, the petitioner applied. At the stage of medical examination, he was found unfit, as he was having substandard hearing in his right ear. It is not in dispute that concurrent findings to the said effect were returned thrice against the petitioner, first by the Medical Board, thereafter by the Appeal Medical Board and thereafter by the Review Medical Board. All three Medical Boards have found the petitioner suffering from substandard hearing in his right ear.

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<sup>1</sup> "ICG" hereinafter



2. The only submission of the petitioner is that if the respondents are to treat him sub-standard, there must be a standard. Dr. Hooda, appearing for the petitioner, submits that no such standard being in place, the petitioner's hearing could not be treated as sub-standard. He has sought to rely on the standard of hearing prescribed for persons seeking to be recruited as Fighter Pilots in the Indian Air Force<sup>2</sup>, which is 30 decibels. The petitioner was found to be having substandard hearing in his right ear to the extent of 27.5 decibels. Dr. Hooda's submission is that, therefore, the petitioner meets the standard which is prescribed for Fighter Pilots in the IAF. Standards for the ICG, he submits, could hardly be higher than the physical standards applicable for recruitment as Fighter Pilots in the IAF.

3. Mr. Shashank Garg, learned Senior Counsel for the petitioner, *per contra*, submits that the petitioner was found disqualified thrice, by three medical boards, all of which had subjected the petitioner to the Forced Whisper Test, using which the petitioner was found in his right ear to be having a measurement of 500 cm. This, submits Mr. Garg, does not qualify for recruitment to the ICG.

4. Mr. Hooda submits that the Forced Whisper Test is only a primary test and that what should be done is an Audiometry Test. He submits that, having undergone an Audiometry Test in the Dr. Ram Manohar Lohia Hospital, the petitioner was found qualified.

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<sup>2</sup> "IAF" hereinafter



5. In our view, the submission of Mr. Hooda suffers from two fundamental fallacies.

6. The first is the reliance, by Dr. Hooda, on the hearing standards prescribed for Fighter Pilots in the IAF. We cannot, in exercise of our jurisdiction under Article 226 of the Constitution of India, return a subjective finding that hearing standards for Fighter Pilots in the IAF are greater, or lesser, than hearing standards for the post of Assistant Commandant in the ICG. Indeed, no material whatsoever, to substantiate this submission, is forthcoming on the record either.

7. The second fallacy in Dr. Hooda's submissions is in his presuming that before returning a finding that hearing is sub-standard, prescribed standards have to be in place.

8. This Court cannot sit in appeal over the decision of the Medical Board. This is not a case in which there was any discordance in the decision of the medical boards which had examined the petitioner. There are concurrent findings by the Medical Board, the Appeal Medical Board and the Review Medical Board to the effect that the petitioner suffers from sub-standard hearing in his right ear.

9. This by itself would have been sufficient for us to decline interference in this matter. However, we have seen the record of the Medical Board, and we find that, in each case, the petitioner was subjected to a Forced Whisper Test and that the findings consequent



thereupon are also concurrent. They do not meet the requirements for recruitment as Assistant Commandant in the ICG.

10. Though Mr. Hooda sought to submit that the Forced Whisper Test is only an elementary test and that the petitioner ought to have been tested by Audiometry Test, which is a much more advanced test, we cannot return any such finding. It is for the respondents to decide the tests which are to be applied to examine a candidate. It is not the petitioner's case that there are any prescribed guidelines which state that the extent of hearing has to be decided by Audiometry and not by a Forced Whisper Test.

11. This submission of Mr. Hooda cannot, therefore, be accepted.

12. We have already taken a view in the decision, in **SSC v. Aman Singh**<sup>3</sup>, that if there are concurrent medical opinions regarding the qualification of the medical conditions of the candidate, the Court would not refer the candidate to a fresh medical opinion. In this case, there are not two, but three Medical Boards which concurrently hold the petitioner to be suffering from sub-standard hearing in his right ear.

13. As the petitioner is seeking recruitment to a Paramilitary Force, strict adherence to medical and physical standards is of the essence. There is no scope for leniency.

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<sup>3</sup> 2024 SCC OnLine Del 7600 (DB)



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**14.** In view of the aforesaid concurrent findings, we decline to interfere with the present writ petition, which is accordingly dismissed with no orders as to costs.

**C.HARI SHANKAR, J**

**OM PRAKASH SHUKLA, J**

**DECEMBER 16, 2025/AR**