



2025:DHC:10195-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17484/2025 & CM APPL. 72168/2025**

DINESH

.....Petitioner

Through: Mr. Tarun Sharma, Mr. Abid Ali, Mr. Manek Sharma and Mr. Kartik Sharma, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Akanksha Gupta, Sr. PC
for UOI

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****ORDER (ORAL)****18.11.2025**

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C. HARI SHANKAR, J.

1. The only prayer in this writ petition is for a direction to the respondents to consider the case of the petitioner by constituting an Appeal Medical Board and to determine his medical fitness category.

2. The petitioner was evaluated by a Divisional Medical Board on 10 June 2025, comprising two Ophthalmologists, an ENT Surgeon and a Physician and declared fit in Original Medical Category B-1. The petitioner's case is that he suffers from chronic neurological conditions. He is also in possession of a disability certificate issued by the Competent Authorities under the Rights of Persons with Disabilities Act, 2016, which has certified that he suffers from intellectual disability along with chronic neurological conditions.

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3. The petitioner, therefore, only prays that his condition may be re-evaluated by an Appeal Medical Board.

4. Ms. Akanksha Gupta, learned Senior Panel Counsel for the respondents has very fairly agreed to have the petitioner re-evaluated by an Appeal Medical Board within a time to be fixed by the Court.

5. Accordingly, we direct that the petitioner be re-evaluated by an Appeal Medical Board within a period of two weeks from today and that the decision of the Appeal Medical Board be conveyed to the petitioner forthwith.

6. We also direct that the Appeal Medical Board should involve at least one Neurologist/Neurosurgeon and that, in case the condition of the petitioner is one which requires any kind of radiological or other examination, the requisite examination/tests should be conducted before an opinion is given.

7. The petition stands allowed accordingly.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 18, 2025/aky