HC-KAR

NC: 2026:KHC:60175-DB
WA No. 2229 of 2026

CNR: KAHC010669902026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 2229 OF 2026 (GM-RES)

BETWEEN:

1. MONISH N. ARADHYA
AGED ABOUT 25 YEARS
C/O. HEMALATHA M.C.
RESIDING AT NO. 1376
5TH CROSS, 2ND MAIN ROAD
KRISHNAMURTHYPURAM
LAKSHMIPURAM POST
MYSURU - 570 004

…APPELLANT

(BY SRI K.S. PONNAPPA, ADVOCATE)

Digitally signed by K P SWETHA
Location: High Court of Karnataka

AND:

1. UNION OF INDIA
THROUGH THE DEFENCE SECRETARY
MINISTRY OF DEFENCE
OFFICE AT 25067-70, 5TH FLOOR
KARTAVYA BHAVAN-2
NEW DELHI – 110 001

2. SPECIAL MEDICAL BOARD
COMMAND HOSPITAL AIRFORCE
CAMBRIDGE ROAD
CAMBRIDGE LAYOUT

JOGUPALYA
BRIGADE ROAD
BENGALURU - 560 007

3. INTEGRATED HEADQUARTERS OF
MINISTRY OF DEFENCE (ARMY)
ADJUTANT GENERALS BRANCH
RTG 6 (SP) WING 1, WEST BLOCK - III
RK PURAM, NEW DELHI – 110 066

4. APPELLATE MEDICAL BOARD
HOSPITAL ROAD
CHANAN SINGH PARK
DELHI CANTONMENT
NEW DELHI
DELHI – 110 010

5. INTEGRATED HEADQUARTERS OF
MOD (ARMY)
ADJUTANT GENERAL'S BRANCH
DTE GEN OF MEDICAL SERVICES
(ARMY/DGMS-5A) 'A' BLOCK, 3RD FLOOR
DEFENCE OFFICE COMPLEX
KG MARG
NEW DELHI – 110 001

6. REVIEW MEDICAL BOARD
ARMED FORCES MEDICAL COLLEGE
SOUTHERN COMMAND
SOLAPUR-PUNE HIGHWAY
(NEAR RACE COURSE)
PUNE – 411 040

…RESPONDENTS

(BY SRI K. ARVIND KAMATH, ASGI A/W
SRI VINAY VENUGOPAL, CGSPC)

CNR: KAHC010669902026

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER/JUDGEMENT DATED 17/09/2026, PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.27969/2026 & ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 17.09.2026 passed by the learned Single Judge in W.P.No.27969/2026 (GM-RES).

2. The appellant had filed the said writ petition, *inter alia*, impugning an order dated 17.08.2026 issued by the Directorate General of Recruiting, Adjutant General's Branch, Integrated Headquarters of Ministry of Defence (Army) communicating the decision of the competent authority not to refer the appellant's case to the Review Medical Board [**RMB**] for examining the medical condition of 'Left Small Kidney'. The appellant disputes that he

suffers from the said condition. Therefore, he filed the said petition with a prayer to direct the respondents to constitute an RMB to conduct a fresh ultrasound examination of his left kidney by a senior specialist in Radiology.

3. The controversy arises in the context of the appellant's rejection by the Indian Army on the ground of his medical condition. The appellant had applied for recruitment in the Indian Army and had secured 51st rank in the merit list. He was required to undergo a medical examination by the Special Medical Board [**SMB**] constituted for the said purpose. The SMB found that the appellant was unfit for three reasons: i) Small Kidney (left); ii) Thrombocytopenia; and iii) Left Cervical Rib.

4. The appellant appealed the said decision before the Appellate Medical Board [**AMB**]. The appellant was medically re-examined. The AMB did not find two of the medical conditions for which the appellant was declared unfit – Thrombocytopenia and Left Cervical Rib. However, it affirmed that the appellant suffered from the third medical condition, that is, Small Left Kidney.

5. The appellant, being dissatisfied with the said results requested for constitution of the RMB. However, the appellant's request was rejected.

6. The appellant submits that the finding of the SMB and AMB to the extent that he suffers from the condition of Small Left Kidney is erroneous. He supported this by securing medical reports from other hospitals and diagnostic centres. The appellant referred to an ultrasound scan conducted at Manipal Hospital which indicates that the size of the Left Kidney is 7.7 to 8 centimetres.

7. Concededly, if the size of the kidney is less than 8 centimetres, the appellant would not satisfy the standard for fitness set out in the Manual of Medical Standards for Entry into Armed Forces.

8. The said Manual includes the following standards in respect of kidneys:

> "7.1. Kidneys, Ureters and Urinary Bladder
>
> 7.1.1. Unfit
>
> 7.1.1.1. Congenital structural abnormalities of kidneys or urinary tract.

7.1.1.1.1. Unilateral renal agenesis.

7.1.1.1.2. Unilateral or bilateral hypoplastic/contracted/ shrunken kidney of size less than 08 cm.

7.1.1.1.3. Malrotation of kidney.

7.1.1.1.4. Horseshoe kidney.

7.1.1.1.5. Crossed fused/ ectopic kidney.

7.1.1.1.6. Any other congenital anomaly of the kidney or urinary tract.

7.1.2. Simple single renal cyst of more than 1.5 cm size in one kidney."

(emphasis supplied)

9. The learned counsel for the appellant had also produced a Medical Fitness Certificate dated 14.10.2026 issued by the Jawaharlal Institute of Postgraduate Medical Education and Research (JIPMER), Puducherry, which reports that ultrasonography of the left kidney indicates the size as 8.0 x 4.1 centimetres. It is thus the appellant's case that sufficient evidence establishes that the size of his left kidney is 8 centimetres. Therefore, it would be apposite that the appellant's case be referred to the RMB.

10. The learned counsel also submits that, given the various reports, the appellant would accept the RMB's decision as final. He relies on the decision of the Division Bench of the Delhi High Court in **Chandan Joshi v. Union of India and others** (W.P.(C) 18760/2025) where the court had considered it apposite to direct that the matter be referred to the RMB.

11. The learned Single Judge rejected the appellant's petition on the ground that reference to the RMB was not a matter of right. The court also noted that the scan done at the time of the review by the AMB was a 'Triple Phase CECT Scan', which is stated to be more accurate than an ultrasound scan. The court also noted that the ultrasound reports relied upon by the appellant had indicated that the size of his left kidney was 8 centimetres or less.

12. Given that the 'Triple Phase CECT Scan' had indicated the size of the appellant's left kidney to be 7 centimetres, the decision of the competent authority to decline the appellant's request for review by the RMB cannot be stated to be arbitrary or not informed by reason.

13. The Guidelines for Medical Board of Candidates for Cadet Entries including Women Entry Scheme issued by the Office of the Director General Armed Forces Medical Services [**DGAFMS**] dated 03.06.2008 also make it clear that the grant of an RMB is a matter of discretion. Clause 21 of the said Guidelines reads as under:

> "21. When a candidate is declared unfit by the Appeal Medical Board, the result would be communicated to him/her by the President of Appeal Medical Board in the prescribed form as per Appendix 'D'. He/She may simultaneously be informed that if he/ she desires to challenge the findings of the Appeal Medical Board, he/she may do so within one working day. The candidate shall also be informed by the President Appeal Medical Board that holding of the review medical board will be granted at the discretion of DGAFMS, based on the merits of the case, and that Review Medical Board is not a matter of right."
>
> (emphasis supplied)

14. The Division Bench of the Delhi High Court in **Satender Kumar Yadav v. Union of India and Others**[1], affirming the aforesaid position that an RMB is not a matter of right, observed as under:

> "17. De-hors the above, in terms of para 22 of the Manual reproduced hereinabove, the reference of any candidate for recruitment like the petitioner

[1] 2024 SCC OnLine Del 1886

> herein to the RMB is certainly is not a matter of right. The same is in fact dependent upon various other factors contained in the Manual and the medical opinion rendered by the specialized experts of the respondents. As such, the same is indeed subjective."

15. Undisputedly, the competent authority is authorized to take the decision whether to refer the appellant's case to the RMB. This Court cannot review the competent authority's decision on the merits in proceedings under Article 226 of the Constitution of India. The competent authority's decision cannot be faulted on the ground of arbitrariness. Further, there is no allegation that the decision is capricious or *mala fide*.

16. The appellant's reliance on the decision in **Chandan Joshi** (*supra*) is misplaced. The said decision was rendered in the facts of that case. The said decision cannot be considered authority for the proposition that, in every case where the applicant has a medical report that varies from the AMB's decision, reference must necessarily be made to the RMB.

17. We find no infirmity with the decision of the learned Single Judge. The appeal is accordingly dismissed.

18. In view of dismissal of the appeal, the pending interlocutory application stands disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KPS
List No.: 2 Sl No.: 5