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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-1962-2019 (O&M)

Date of Decision: 1st April, 2026.

UNION OF INDIA AND OTHERS

.....Appellant(s)

V/s

SUNIL KUMAR

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
 HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Mr. Lalit Attri, Advocate, and
 Mr. Sunil Sharma, Advocate, for the appellants.

 Mr. R.D. Bawa, Advocate and
 Mr. Rishabh Rana, Advocate, for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal is preferred by the Union of India assailing order dated 14.10.2019 passed by the learned Single Bench in CWP-17834-2019.

2. It transpires that the respondent/writ petitioner has applied for appointment to the post of Driver MT (OG) in General Reserve Engineer Force (for short "GREF"). Though he qualified the different stages of recruitment, but he was ultimately declared unfit on account of following conditions by the Appellants:-

- (i) Central Obesity and overweight;
- (ii) Less Dental point (13/22),
- (iii) Submucous oral fibrosis &
- (iv) Acne Vulgaris

3. Under the applicable scheme, an Appeal was preferred by the respondent wherein the Review Medical Board found the earlier report to

be incorrect insofar as it had declared the respondent medically unfit under conditions (i), (iii) and (iv). The only ground on which the respondent was held unsuitable was the assessment of less dental points under condition (ii).

4. It further transpires that the respondent subsequently underwent a medical examination at the Punjab Health System Corporation, CHC, Sujampur on 06.05.2019, where it was found that he did not suffer from any deficiency in dental points. The certificates/reports to this effect, placed on record as Annexures P-3 and P-4, were duly relied upon. In view of these inconsistencies among the various medical reports, learned Single Judge has directed the constitution of a fresh Medical Board to reassess the respondent's fitness for the appointment in question. The observations recorded by the learned Single Judge in paragraphs 9 to 11 of the impugned judgment were reproduced accordingly:-

“9. *In view of the conflicting medical reports of the petitioner as reflected from the impugned order dated 13.06.2019 (Annexure P-6) and the medical examination of the petitioner carried out at a Civil Hospital at Gurdaspur as per medical reports contained at Annexures P-3 and P-4, respondents are directed to conduct fresh medical examination of the petitioner particularly in respect of the dental points owing to which he was declared unfit in the review medical conducted at Military Hospital, Kirkee (Pune).*

10. *Respondents are at liberty to constitute a Medical Board of such experts as it may deem fit. It is, however, made clear that direction is given to conduct fresh medical examination of the petitioner without expressing any opinion on the merits of medical fitness of the petitioner.*

11. *In case, petitioner is found medically fit by the experts of the Medical Board to be constituted by the respondents, he shall be accorded benefit of his merit and appropriate order shall be*

passed accordingly subject, of course, to any vacancy being available qua the post for which petitioner had applied.”

5. The facts as have been noted by the learned Single Judge are not in dispute. Once it stands admitted that there are variations in the medical reports concerning the respondent’s fitness, the direction issued by the learned Single Judge for constituting a fresh Medical Board cannot be said to suffer from any illegality or infirmity in the eyes of law.

6. In view of the aforesaid discussion, the present Appeal is **dismissed.**

7. All pending applications, if any, in this case are disposed of accordingly.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[ROHIT KAPOOR]
JUDGE**

April 1, 2026
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>