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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision : 03.02.2026

+ W.P.(C) 1496/2026

MAHABOOB SARAWAD

.....Petitioner

Through: Mr. Vishal Thakur, Mr. Pramod
Yadav and Mr. Vikas Kumar Jha,
Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Swati R.K SPC with Mr. Vivek
Nagar, GP
Mr. Ajay Pal, Law Officer, Insp.
Athurv and Mr. Ramniwas Yadav,
CRPF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 7175/2026 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 1496/2026 & CM APPL. 7176/2026

3. This petition has been filed challenging notice dated 05.01.2026 passed by the Commandant, 05 BN, CRPF, in Case No. P-111-2/2026-05-EC-4, whereby the petitioner is sought to be invalidated from service, with the following prayers:-



- a. Issue an appropriate writ, order or direction, including a writ of *Certiorari*, *quashing and setting aside the Order for Invalidation from Service dated 05.01.2026 issued by the Commandant, 5th Battalion, CRPF, and all consequential actions taken pursuant thereto*;
 - b. Issue an appropriate writ, order or direction declaring the *impugned action of the Respondents as illegal, arbitrary, unconstitutional and violating of Articles 14 and 21 of the Constitution of India*;
 - c. Issue a writ of *Mandamus* directing the Respondents to *permit the Petitioner to continue in service with all consequential benefits, or in the alternative, to consider the case of the Petitioner for alternative employment, lighter/modified duties, or sheltered posting, in accordance with law and applicable service rules*;
 - d. Issue an appropriate writ, order or direction permitting the *Petitioner to continue in service for a further period of six months and thereafter allow the Petitioner to seek Voluntary Retirement (VRS), in the interest of justice, equity and fair play*;
 - e. Issue an appropriate writ, order or direction directing the Respondents to *constitute a Review Medical Board in accordance with law and grant the Petitioner a fair, reasonable and effective opportunity of hearing and representation before taking any adverse action*;
 - f. *Pending the hearing and final disposal of the present Writ Petition, stay the operation and effect of the Order for Invalidation from Service dated 05.01.2026, and restrain the Respondents from taking any coercive or irreversible action against the Petitioner*;
4. The facts as noted from the petition are that the petitioner joined the services of the Central Reserve Police Force on 13.12.1990.
5. On 28.08.2025, an order issued by the respondents for constitution of a Medical Invalidation Board in respect of the petitioner. Pursuant thereto,



the petitioner was examined by the Medical Invalidation Board at the Composite Hospital, CRPF, New Delhi.

6. On 25.11.2025, the Medical Invalidation Board, in its proceedings opined that the petitioner is unfit to perform duties as a combat person on the ground of obesity with non-organic psychosis.

7. It is the case of the petitioner that, removal of the petitioner from service would cause grave and irreparable hardship and would be wholly disproportionate. The respondents have without appreciating the long and continuous service record of the petitioner and without considering the proportionality and humanitarian aspects involved at the fag end of the petitioner's service career is sought to be invalidated out. The respondents have failed to consider or examine less intrusive alternatives such as lighter duties, alternative employment, sheltered posting or administrative deployment, which are statutorily and constitutionally mandated, especially when the Petitioner never sought discharge and is willing to continue in service.

8. Having heard the learned counsel for the petitioner, at the outset, we may reproduce the contents of the impugned notice dated 05.01.2026 as under:-

Subject :- NOTICE FOR INVALIDATION FROM SERVICE.

A Medical Board of officers of Composite Hospital CRPF, New Delhi examined you on 26/11/2025 during MIB and declared UNFIT to perform duties in CRPF as a combat person and recommends you to be medically invalidated out from service due to disease of Obesity with non-organic Psychosis. The percentage of your disability cannot be calculated as per the GOI notification issued by Ministry of Social Justice and Empowerment, Department of Empowerment of Person with Disabilities (Divyangjan), Notification dated 12th March -2024 New Delhi.



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Further, you are hereby informed that:-

- i. Subject to provisions of Rule- 20 of CCS (Leave) Rules, 1972 and any order regarding grant of leave, your invalidation will take effect on expiry of a period of one month from the date of serving of this notice unless you desire to proceed from an earlier date.
- ii. You may submit, if you so desire, within the period of the one month, a request to be examined by Medical Review Board, supported by prima facie evidence that good ground exist for doing so.
- iii. If you prefer a request for examination by a Medical Review Board you will be liable to pay the fees as prescribed for the same under CCS (Medical Examination) Rules - 1957.

03 Your application/written request, if any, should reach to the undersigned before expiry of one month notice period, failing which, you will be invalidated out from service on due date.

04 Please acknowledge receipt of this notice.

Encl. -14 leaves.

9. From the impugned notice, it is clear that the petitioner is sought to be invalidated on the ground of obesity with non-organic psychosis. The basis for the respondents to do that, is the conclusion drawn by the Medical Board, which we reproduced as under:-

“OPINION OF THE MEDICAL BOARD:

Force No 903076348 CT/GD Mheboob Sarawad of 05 BN CRPF is a case Obesity with non-organic Psychosis and remain under LMC for nearly 13 years but without any improvement of his medical status. He is a case of non-organic Psychosis for which has management is undergoing under supervision of Psychiatrist and under LMC of S2 (P) but not unfit for duties for this factor Because of Obesity, he was declared UNFIT to perform his duties in CRPF as a combat person. His disease are not attributable to government service.

His MB done at CH Delhi and percentage of disability cannot be calculated as per the GOI notification issued by Ministry of Social Justice and Empowerment, Department of Empowerment of Person with Disabilities (Divyangian), Notification dtd 12th March 2024, New Delhi”



10. The opinion of the Medical Board clearly demonstrate that the petitioner remained in Low Medical Category for nearly 13 years without any improvement of his medical status, if that be the reason, the notice issued by the respondents is justified and need no interference.

11. Accordingly, the present petition and pending application are dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 03, 2026

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