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

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Date of Decision : 17.02.2026

+ **W.P.(C) 2232/2026, CM APPL. 10777/2026**

AKSHAY KUMAR

.....Petitioner

Through: Mr. Vivek Bhai Patel, Mr. Sonu Sharma and Mr. Rakesh Kumar, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Balendu Shekhar, CGSC, Mr. Krishna Chaitanya, Mr. Divyansh Singh Dev, Advs. and Commandant Aakarshan Agarwal.
Ms. Shambhavi Sharma, Ms. Avantika Pandey and Ms. Vanshika Arora, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed with the following prayers:-

“a) Issue a writ of certiorari quashing the impugned order/communication dated 18.12.2024 issued by Respondent No.3 rejecting the Petitioner’s request for Review Medical Board;

b) Issue a writ of mandamus directing the Respondents to conduct a Review Medical Board of the Petitioner in accordance with law within a stipulated time;



c) Direct the Respondents to consider the Petitioner for induction into appropriate branch/cadre of the Indian Navy, subject to medical fitness.”

2. In effect, the petitioner is challenging the communication dated 18.12.2024 whereby his application for grant of Review Medical Board has been rejected.
3. Suffice to state that the petitioner, who was a candidate for recruitment to the post of Short Service Commission Pilot in the Indian Navy, had appeared before the First Medical Board on 18.07.2024. The petitioner was found to be unfit on three grounds i.e. (1) Myopic Astigmatism (LE), (2) Hyperuricemia and (3) Spondylolysis at LV5 with Grade-I Anterolisthesis of LV5 Over SV1.
4. The petitioner applied for examination by the Appellate Medical Board. A perusal of the opinion given by the Appellate Medical Board on ground no. (1) & (2), the petitioner was found fit but not on ground no. (3). It was pursuant thereto that the petitioner had applied for a Review Medical Board in terms of his letter dated 08.10.2024, which has been rejected by the respondents.
5. We find that the petitioner, except for challenging the order of the First Medical Board and the Appellate Medical Board, has not placed any material on record with his representation or in the petition to contend that the opinion given by the First Medical Board and Appellate Board are erroneous, which require review insofar as the ground no. 3 of unfitness.
6. We also find the reason given in the impugned order is that the request for Review Medical Board is not as per the existing policy.
7. Mr Balendu Shekhar, CGSC and the officer, who is present through



online mode submits that the benefit of Review Medical Board cannot be sought as a matter of right. In other words, the Competent Authority has to be satisfied that, a ground exist for re-consideration of the opinions by the Review Medical Board, more so, when two Medical Boards have found the petitioner unfit on one ground or the other.

8. We agree with the submission made by the Mr Shekhar, inasmuch as the petitioner has not placed before us any opinion given by a Government hospital in his favour, moreso on ground no. (3) of the Appellate Medical Board. In the absence of any such opinion, the Competent Authority is justified in stating that the request of the petitioner for grant of Review Medical Board cannot be considered as per the existing policy.

9. That apart, we find in the representation dated 08.10.2024, the ground taken by the petitioner reads as under:-

“At the medical conference, I was told that I am Temporarily unfit for Navy Pilot. I wanted to apply for the Review Medical Board.

Gp Capt MS(MB), RK Puram Medical Board told me to contact DMPPR to apply for the Review Medical Board as I am a Naval Candidate. I further request you to grant me RMB so that I can be considered for my chosen/alternate Branches.”

10. A reading of the representation would reveal that the petitioner intended to seek the Review Medical Board only for recruitment to an alternate branch.

11. At this stage, the learned counsel for the petitioner states that the case of the petitioner be considered for recruitment in alternate branch of the Indian Navy.

12. The submission of Mr Shekhar is that the petitioner had only applied



for Short Service Commission as a Pilot and there is no provision in such an eventuality that a candidate can be considered for appointment to an alternate branch.

13. If that be so, even this plea of learned counsel for the petitioner is rejected.

14. In view of our discussion above, we are of the view that the present petition is without any merit. The petition along with the pending application is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 17, 2026/sr