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

+ W.P.(C) 3157/2026 and CM APPL. 15224/2026

SANJAY KHALI

.....Petitioner

Through: Mr. Raghunath Pathak, Mr.
Shivam, Mr. Shweta Priya, Mr.
Kailash Jha, Advs.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Farman Ali, CGSC with
Ms. Usha Jamnal, GP with Mr.
Devender Singh, JAG ITBP.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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09.04.2026

1. Through the present Petition filed under Article 226 of the Constitution of India, the Petitioner seeks issuance of a writ in the nature of certiorari for quashing the order dated 20.02.2026 [hereinafter referred to as 'Impugned Order'] passed by the Respondent/Indo Tibetan Border Police Force ('ITBP'), whereby the Petitioner has been medically boarded out of service.

2. A perusal of the record reflects that the Petitioner has been boarded out of service from ITBP based on the opinion of the Medical Board which said that the Petitioner suffered from Alcohol Dependent Syndrome ('ADS'). The Medical Board also declared the Petitioner unfit for further service on account of mental and behavioral disorder due to use of alcohol.

3. Previously also, when the Medical Board gave an opinion, the



Petitioner filed W.P.(C) 553/2026 captioned **Sanjay Khali v. Union of India and Others** before this Court, which was disposed of on 20.01.2026 and the following order was passed:

“1. This petition is filed by the petitioner with the following prayers:-

“a) Issue a Writ in the nature of certiorari or such other appropriate writ or orders quashing the Show Cause Notice bearing Number 8027 dated 22.12.2025 issued by the Commandant, 21st Battalion I.T.B.P as arbitrary, illegal and issued during the pendency of the matter before this Hon'ble High Court.

b) Transfer the petitioner from 21st Battalion I.T.B.P, Srinagar, Jammu & Kashmir to some other battalion so that the petitioner is not mentally harassed by the senior officers of 21st battalion.

c) Pass any such further order/order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case”

2. In effect, the challenge of the petitioner is to the order dated 22.12.2025 passed by the respondents. The order dated 22.12.2025 being the show cause notice, paragraph no.5 thereof, inter alia, reads as under:-

अतः भा.ति.सी.पु.बल नियमावली 1994 के नियम 26 (3) में निहित प्रावधानों के अन्तर्गत आपको इस नोटिस के माध्यम से अवगत कराया जाता है, कि अगर आप उक्त इन्वैलिडेशन मेडिकल बोर्ड के निर्णय से सहमत/संतुष्ट नहीं हैं, तो इस नोटिस के जारी होने की तिथि से 30 दिनों के अन्दर अपनी अपील कर सकते हैं, जिसमें चिकित्सा बोर्ड द्वारा व्यक्त राय में निर्णय की त्रुटियों का प्रथम दृष्टया साक्ष्य भी होना चाहिए। ऐसा साक्ष्य सरकारी चिकित्सक जोकि सिविल सर्जन के पद से नीचे का नहीं हो द्वारा दिया जाना चाहिए और इसमें यह विशिष्ट उल्लेख होना चाहिए कि उन्होंने अपना मत प्रकट करने से पूर्व चिकित्सीय बोर्ड के निर्णय को ध्यान में रखा है। यदि आपके द्वारा अपनी अपील उक्त अवधि के अन्दर प्रस्तुत नहीं की जाती है, तो यह मान लिया जायेगा कि आप इन्वैलिडेशन मेडिकल बोर्ड (INVALIDATION MEDICAL BOARD) के निर्णय से सहमत हैं और आपको भा.ति.सी.पु.बल से कार्यमुक्त कर दिया जाएगा।

3. On the last date of hearing, the submission on behalf of the petitioner was that the petitioner has not received the opinion given by the Invalidation Medical Board (IMB), because of which, the petitioner is unable to submit the appeal before the Appellate Board.

4. Today, the learned counsel for the respondents has placed before us the proceedings of IMB and a copy thereof has been given to Mr Sudhir Nandrajog, learned Senior Counsel for the petitioner. At this stage, Mr Nandrajog states that as the petitioner has received the copy of the IMB today, the petitioner shall proceed in accordance with para no.5 of the show cause notice, as reproduced above. Hence, 30 days must be counted from today and also till such time the appeal is filed before the Appellate Authority, the respondents should not take any coercive action.

5. Having noted the above submissions, we agree with the submissions made by Mr. Nandrajog. We grant liberty to the petitioner to file an appeal, as is stated in paragraph no.5 of the above mentioned show



cause notice.

6. *It is made clear that the respondents shall not take any coercive action against the petitioner for the next 30 days, commencing from today. It goes without saying that on filing of such appeal before the Appellate Board, the Appellate Board shall consider the appeal in accordance with law/ relevant rules.*

7. *The petition along with pending application is disposed of.”*

4. As per Rule 26(3) of the Indo-Tibetan Border Police Rules, 1994 [hereinafter referred to as ‘ITBP Rules’], if Medical Board finds any subordinate officer or enrolled person unfit for further service in the Force, there is a provision to challenge the same by way of filing a representation to the Competent Authority supported by a *prima facie* evidence of error of judgement in the opinion expressed by the Medical Board.

5. Under Rule 26(4) of the ITBP Rules, there is a further provision for referring the officer to another Medical Board for review, provided a representation was made in this regard.

6. However, under Rule 26(5) of the ITBP Rules, if no representation is made against the opinion of the Medical Board, the Competent Authority would declare him unfit for further service and thereafter, discharge him.

7. Pursuant to the order passed on 20.01.2026, the Petitioner was granted 30 days’ time to file an appeal before the Appellate Board. However, the Petitioner did not file any appeal and ultimately, the Petitioner was boarded out of service on 20.02.2026, which is the subject matter of challenge in the present Petition.

8. Learned counsel representing the Petitioner submits that only 151 pages of the Medical Board opinion was given to the Petitioner relating to his medical documents, which, he deems insufficient.

9. *Per contra*, learned counsel representing the Respondents



submits that the Petitioner had been provided the relevant medical record and that the Petitioner had never applied for constituting a fresh Medical Board to review the opinion of the earlier Medical Board. The Competent Authority, while passing the Impugned Order, had examined the Petitioner's record in detail.

10. Keeping in view the aforesaid facts, this Court finds no infirmity with the Impugned Order to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

11. The present Petition is accordingly dismissed. The pending application also stands closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 09, 2026

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