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

\# **CNR No. DLHC010473902026**

\+ W.P.(C) 14569/2026

ANUSTHA .....Petitioner

Through: Mr. Vivek Bhai Patel, Ms. Shivani Yadav, Mr. Swatantrata K Nagar, Mr. SK Devrani and Mr. Sonu Sharma, Advocates.

versus

UNION OF INDIA AND ORS .....Respondents

Through: Ms. Avshreya Pratap Singh Rudy, CGSC with Mr. Sahaj Garg, SPC and Mr. Sanjay Pal, GP along with Mr. Prakhar Negi, Ms. Usha Jamnal, Ms. Nyasa Sharma, Mr. Abhinav Mall and Ms. Nishtha Dhall, Advocates.
Brig. Kironjeeet, MNS, Lt. Col. BS Poonia, AMC and Major Himanshu Tyagi, JAG.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH
HON'BLE MR. JUSTICE GURVINDER PAL SINGH

O R D E R

% 29.10.2026

CM APPL. 68243/2026 *(Exemption)*

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

W.P.(C) 14569/2026 and **CM APPL. 68244/2026** *(Interim relief)*

3. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking quashing of impugned communication dated 27.08.2026 issued by Respondent No. 3, rejecting Petitioner's request

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for Review Medical Board as also for issuance of writ of mandamus directing Respondents to conduct Review Medical Board of the Petitioner.

4. To the extent relevant, case of the Petitioner is that she applied for admission to MNS B.Sc. Nursing Course-2026 under the Military Nursing Scheme (MNS) in July, 2026 and underwent the screening/written test on 22.08.2026, which she successfully cleared and reached the stage of medical examination. However, the Special Medical Board (SMB) held at Base Hospital, Delhi Cantt. on 27.08.2026, declared her medically *"UNFIT"* owing to: (a) Sinus Tachycardia*;* and (b) Spina Bifida, without following the due procedure laid down in Medical Standards Manual and in a haste. Aggrieved by the findings and opinion of SMB, Petitioner filed an appeal for conducting Appeal Medical Board (AMB) and pursuant to her appeal, AMB was conducted at Army Hospital R&R between 28.08.2026 to 07.09.2026, where Petitioner was found FIT for Spina Bifida but UNFIT owing to Sinus Tachycardia and hence, present petition has been filed by the Petitioner for direction to the Respondents to conduct a Review Medical Board.

5. Learned counsel for the Petitioner contends that SMB and AMB were conducted in haste and without following due procedure laid down in the Medical Manual. Findings and opinions of both the Medical Boards are at variance inasmuch as SMB found the Petitioner UNFIT for two reasons while AMB did not find her UNFIT on that count and this contradiction itself shows that the medical examinations were not proper. It is also urged that Petitioner got herself medically examined at NDMC Charak Palika Hospital, Moti Bagh on 13.09.2026 and Specialists Doctors found that she was not suffering from any disability and her pulse rate was 87 beats per

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minute (bpm), which is normal. Petitioner's blood pressure was recorded as 118/75 mm Hg. and oxygen saturation was 98%. Reliance is also placed on the report of medical test done on 15.09.2026 at Singhania University Hospital and Research Centre, where Petitioner's pulse rate was found to be 92 bpm and the argument is that it is only when the pulse rate goes above 100 bpm that it can be said that an individual suffers from Sinus Tachycardia. In light of these independent medical reports, counsel contends that findings and opinions of SMB and AMB that Petitioner's suffers from Sinus Tachycardia are incorrect and be set aside and direction be issued to the Respondents to conduct a Review Medical Board.

6. Ms. Rudy, learned CGSC appearing on behalf of the Respondents submits that there is no infirmity in the medical opinions rendered by the two Medical Boards. Petitioner suffers from a condition called Sinus Tachycardia, wherein the heart beat increases abnormally and once Petitioner has been found medically UNFIT by the SMB as also the AMB, she cannot be granted admission to the MNS B.Sc. Nursing Course-2026 as the duties that the Petitioner will be required to perform, more particularly, in field areas are very onerous and there is a potential risk to her own life as also detrimental to the interest of the patients.

7. As for the request of the Petitioner for conducting Review Medical Board, it is submitted that Petitioner has been examined at two Army Hospitals i.e., Base Hospital, Delhi Cantt. as also Army Hospital R&R by Specialists in the Medical Boards and no question is raised or can be raised on the competence of the Specialists, entailing a Review Medical Board. Without prejudice to this submission, Ms. Rudy submits that even assuming for the sake of argument that a Review Medical Board is conducted, it will

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only be a futile exercise as the Petitioner is effectively at Serial No. 57 in the 'Waiting List' having scored a final total of 158.635 marks and there are 56 candidates with higher marks above her in the Waiting List. It is pointed out from the merit list, shown during the course of hearing to the Court as also to the counsel for the Petitioner, that after the merit list was declared, 19 selected candidates against the 220 vacancies did not report and 2 have withdrawn their candidature and the 21 vacancies that remained unfilled have been filled from the Waiting List starting from Serial No. 221 of the overall merit list from where the Waiting List begins. It is urged that the last date of joining of candidates is 29.10.2026 as per the Respondents and 30.10.2026 as per the Indian Nursing Council and therefore at this stage, there is no scope for operating the Waiting List any further and least of all up to candidate at effective number 57.

8. Having heard learned counsels for the parties, this Court finds merit in the submissions of the Respondents.

9. Admittedly, Petitioner was declared medically UNFIT by SMB owing to diagnosis of Spina Bifida and Sinus Tachycardia and on her appeal, AMB was conducted which affirmed that Petitioner suffers from Sinus Tachycardia, a medical condition, where the heart beat/rhythm increases and as explained by the Medical Specialist present in Court during the course of hearing, it is a condition where heart's nature pacemaker i.e., sinoatrial node makes the heart beat faster than normal, more specifically, more than 100 bpm in adults. It is also explained that this condition is not conducive with the nature of duties that the Petitioner will be required to perform in MNS, which are far more onerous than in any other environment. SMB and AMB have rendered concurrent findings that Petitioner suffers from Sinus

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Tachycardia and *sans* any allegation of bias or *mala fide* against any member of the two Medical Boards or any question on their competency, Court finds no reason to direct a Review Medical Board in the given circumstances.

10. In the present case, we are not inclined to pass a direction for Review Medical Board for an additional reason. Respondents have taken the Court through the merit list, which shows that Petitioner is in the Waiting List and seen effectively her wait list number is 57, as she has scored 158.635 marks in the final total. 56 candidates with higher marks are in the wait list above her. Respondents have explained that after the final merit list was published, 21 vacancies remained unfilled as 19 candidates did not report and 2 withdrew their candidature. Respondents have filled the resultant vacancies by operating the wait list from Serial No. 221 in the merit list and the last date of joining is 29.10.2026 as per the stipulation by the Respondents and 30.10.2026 as per the norms of Indian Nursing Council. Thus, there is not even a remote possibility of the Petitioner being enrolled in the course at effective 57 number in the wait list, even if she is declared medically fit. Courts cannot be called upon to pass meaningless directions and activate the whole machinery of Review Medical Board when it is writ large from the merit list that Petitioner will not come in merit for the enrolment.

11. Accordingly, the writ petition is dismissed along with the pending application.

JYOTI SINGH, J

GURVINDER PAL SINGH, J

OCTOBER 29, 2026/HS

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