



2026:DHC:766-DB



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

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Date of Decision : 30.01.2026+ **W.P.(C) 19054/2025 & CM APPL. 79345/2025****TIRTHANKAR**

.....Petitioner

Through: **Mr. Ravi Kumar, Adv.**

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Dr. Ishaan Swarana Sharma, SPC and
Major Anish Muralidhar.****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 by the petitioner with the following prayers:-

“(i) To quash the Impugned Order dated 03.12.2025 (ANNEXURE Pl).

(ii) To issue a writ directing the respondents to conduct the Review Medical Board of Petitioner, after expiry of recovery period, i.e. on 06.03.2026, and if found medically fit, to allow the petitioner to join NDA-155 Course immediately, OR in the next course, i.e. NDA-156 Course, commencing from 01.07.2026.”



2. The facts as noted from the petition are that pursuant to notification issued by the respondents on 11.12.2024 inviting applications to the National Defence Academy and the Naval Academy Examination (I)-2025, the petitioner applied for the NDA-155 Course. The petitioner had cleared both the written examination as well as the SSB interview and was called for medical examination for the NDA-155 Course between 08.09.2025 to 11.09.2025. During the medical examination, the petitioner was declared temporarily unfit due to the following reasons:-

- i. Hydrocele Left
- ii. Disc suspect in both eyes
- iii. Substandard vision in both eyes

3. The case of the petitioner is that, being declared unfit, he had consulted specialists in Medanta Hospital, Gurugram and AIIMS, Delhi, who conducted comprehensive tests and confirmed that the medical condition of (i) Hydrocele Left and (ii) Disc suspect in both eyes is absolutely normal. His eye condition was also declared normal and fit for military service.

4. Further, during medical evaluation at Medanta Hospital, Gurugram, the petitioner was diagnosed with left indirect inguinal hernia and was advised to undergo Laparoscopic left inguinal Hernioplasty, which is a minor procedure, to oust any chance of unfitness, for the petitioner to be completely fit after 2 weeks of the procedure. Accordingly, the petitioner underwent Laparoscopic Hernioplasty procedure on 18.09.2025. On 10.10.2025, after medical examination of the petitioner, the specialist



medical officer has issued the fitness certificate declaring the petitioner fit for all physical activities including strenuous activities.

5. The Appellate Medical Board of petitioner was immediately conducted within a month of surgery at the Base Hospital, Delhi to re-assess his medical condition by a specialist medical officer. Before commencement of medical exam, the candidate is required to fill some forms with a declaration about previous medical history pertaining to any surgery or any other medical procedure. The petitioner provided the details about the Laparoscopic Hernioplasty procedure carried out on 18.09.2025. During the Appellate Medical Board, the petitioner was declared unfit for the following reasons:-

- i. Hernioplasty healing period not completed
- ii. Substandard vision both eyes (unfit only for AF -F)

6. The case of the petitioner is that insofar as the medical condition with respect to substandard vision in both eyes, the petitioner was found unfit for Air Force (Flying Duty). In other words, the petitioner was fit for ground duties in Air Force, which is the second preference of the petitioner. It follows that, on the basis of findings of Appellate Medical Board, the petitioner was otherwise found fit for Air Force (Ground Duty) but not at the time on account of '*Hernioplasty Healing period not completed*'. In other words, the petitioner was found unfit because the healing period was not completed.

7. The submission of learned counsel for the petitioner is that in terms of paragraph 3.5.5 of Chapter-5 of IAP 4303, issued by DGMS (Air HQ), the healing period for Laparoscopic Hernioplasty is 24 weeks. He also relies



upon a Notification at paragraph 27 of Annexure C, containing medical standards for NDA (Air Force) (Flying & Ground Duty Branches). He submits that the period of 24 weeks is going to expire on 05.03.2025. Accordingly, after 05.03.2025, the petitioner will be fully fit in all respects for Air Force (Ground Duty) to join NDA-155 Batch.

8. He submits that, as the respondents were on the verge of filling up the vacancies of the NDA 155 Course, the petitioner has approached this Court with this petition with the prayers as already reflected above, which includes that the Review Medical Board be undertaken after expiry of recovery period i.e. on 06.03.2026 and if found medically fit, he be allowed to join NDA 155 course immediately or the next NDA 156 course commencing on 01.07.2026.

9. On the last date of hearing, we had passed the following order:-

“2. We have heard learned counsel for the parties for some time.

3. To enable the counsel for the respondents, take instructions as to whether seats of NDA-156 course have been finalized or not, re-notify on 29.01.2026.”

10. When the matter was listed yesterday, the learned counsel for the respondents has placed before us a communication dated 28.01.2026 received by the legal cell from the Directorate General of Recruiting Adjutant General Branch, IHQ, Ministry of Defence which reveals that the induction process for NDA 155 Course is complete. It is also stated that the presently the SSB interviews for NDA 156 Course are in progress. The total number of vacancies for Air Force (Ground Duty) has been depicted as 24



(male).

11. The counsel for the petitioner submits the petitioner is ready to join the NDA 156 Course of which the selection process is not complete. He states, till such time the petitioner recovers on or before 06.03.2026, atleast one post be kept vacant to enable the respondents to medically examine the petitioner, immediately thereafter and if found fit, he be admitted to NDA 156 Course.

12. This submission is contested by the counsel for the respondents by stating that, once the vacancies have been advertised by the UPSC (the recruiting agency), no candidate who had not applied for NDA 156 Course can be accommodated.

13. We are not in agreement with the submission made by the counsel for the respondents for the simple reason that the petitioner, who was successful in the NDA 155 Course Examination, both in written examination and viva voce; has been found unfit because of hernia procedure undertaken by the petitioner. It is a conceded position that the regulation requires atleast three weeks time for recovery, which shall expire on 06.03.2026.

14. In the facts of this case, we direct one post in NDA 156 Course under the category Air Force (GD) (male) be kept vacant till the medical examination of the petitioner is carried out on 06.03.2026 or immediately thereafter and if the petitioner is found medically fit, he shall be accommodated in the NDA 156 Course.

15. It goes without saying that, if the petitioner is found unfit, the respondents shall be at liberty to admit the candidate, who had applied for NDA 156 Course and is successful and forms part of the merit list.



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16. With above observations, the petition along with pending application is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 30, 2026/sr

Signature Not Verified

Signed By: PRADEEP
SHARMA
Signing Date: 10.02.2026
14:52:25

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