

(2026) 02 DEL CK 1620

In the Delhi High Court

Case No : Writ Petition (C) No. 1606 Of 2026

Constable Harpreet Singh (107020817)

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 05-02-2026

Acts Referred:

Indo Tibetan Border Police Force Rule, 1994 — Rule 26, 26(3)

Citation : (2026) 02 DEL CK 1620

Hon'ble Judges : V. Kameswar Rao, J; Manmeet Pritam Singh Arora, J

Bench : Division Bench

Advocate : Mohan Kumar, Abhishek Mahajan, Devendra Singh

Final Decision : Disposed Of

Judgement

V. Kameswar Rao, J

CM APPL. 7836/2026 (Exemption)

1. Exemption is allowed, subject to just exceptions.

2. The application is disposed of.

W.P.(C) 1606/2026, CM APPL. 7835/2026

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

“(a) To issue a writ of Mandamus, directing the respondents to set aside the impugned Inter Office Note dated 07.01.2026 issued by Establishment Branch of 52nd Bn of ITBP vide which decision of ITBP Directorate General (Medical) was communicated to the petitioner.”

4. In effect, the petitioner is challenging the inter-office note dated 07.01.2026 of the respondents whereby the respondents have not referred the case of the petitioner for Review Medical Board.

5. The submission of the learned counsel for the petitioner is that the petitioner

has approached Guru Nanak Dev Hospital, Amritsar based on the opinion of the Doctor of the respondents, which is at page 27 of the paper-book and hence, the respondents now cannot take recourse to Rule 26 of the Indo-Tibetan Border Police Force Rule, 1994 Rules to state that the opinion given by the Doctor at Guru Nanak Dev Hospital, Amritsar is not in accordance thereof.

6. On the other hand, learned counsel for the respondents reiterates the case of the respondents by stating that the opinion, which has been given by Guru Nanak Dev Hospital, Amritsar is not in terms of Rule 26(3) of the Rules, which contemplates that the petitioner upon an opinion given by a Government Doctor not below the rank of Civil Surgeon, making a specific mention that the doctor has taken the findings of the Medical Board into consideration gives an opinion, in that eventuality, only the respondents can consider referring the case of the petitioner to the Review Medical Board.

7. According to him, as the opinion is not in accordance with the Rule 26(3), the impugned inter-office note rightly rejects the request of the petitioner for the Review Medical Board.

8. Having heard the learned counsel for the parties, we are of the view that appropriate be that the respondents shall send the opinions of the Medical Board in respect of the petitioner to the Doctor concerned namely Dr. Sanjay Khanna of Guru Nanak Dev Hospital, Amritsar to enable him to give his opinion on the basis of those opinions of the Medical Board. The same shall be sent within a period of four weeks from today.

9. It goes without saying that, on the receipt of the opinions of the Medical Board relating to the petitioner, Dr. Sanjay Khanna shall give his opinion keeping in view the requirements under Rule 26 of the Rules, within four weeks thereafter.

10. The respondents, based on the opinion of Dr. Sanjay Khanna, shall take a decision whether the case of the petitioner needs to be referred to the Review Medical Board, within two weeks of the receipt of opinion from Dr. Sanjay Khanna and then take action in accordance with law.

11. Suffice to state, till the time action in terms of our order is taken, no coercive action shall be taken against the petitioner pursuant to the Show Cause Notice dated 06.10.2025.

12. The petition along with pending application is disposed of.