
(2015) 09 P&H CK 0309
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 17755 of 2012 (OandM)

Harsimranjeet Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 17-09-2015

Acts Referred:

Citation : (2015) 4 SCT 574

Hon'ble Judges : Harinder Singh Sidhu, J.

Bench : Single Bench

Advocate : Sunita Nambiar for Balkar Singh, Advocates, for the Appellant; O.P. Dabla, Senior Panel Counsel, for the Respondent

Final Decision : Dismissed

Judgement

Harinder Singh Sidhu, J.—In the year 2011, the petitioner applied for the post of Assistant Commandant in Central Police Forces, appeared in the written Examination in September, 2011 under Roll No. 090358 and on 30.5.2012, he was declared to have qualified the same. He was called for Physical Efficiency Test followed by Medical Examination, which was held on 23.6.2012 at Jalandhar Cantt. He qualified in the Physical Efficiency Test. But, he was found temporarily unfit in the Medical Examination conducted on 25.6.2012 at CH(BSF) Jalandhar because of abnormality of short great toes of both feet and hallux valgus of both great toes and was overweight by 4 kilogram. Thereafter, the petitioner got himself medically examined from Dr. Surjit Singh, M.S.(Ortho), SMO, Bharatgath (Ropar), who vide report dated 27.6.2012 (Annexure P-7) declared him medically fit for the post of Assistant Commandant and held that opinion of the Presiding Officer of Respondent's Medical officer (Annexure P-5) was an error of judgment. The petitioner also got himself examined at PGIMER, where, vide report dated 2.8.2012 (Annexure P-8), it was opined that the said deformity was not liable to cause any physical disability to the petitioner.

2. Vide letter dated 11.7.2012, the petitioner was called by respondent No. 2 to appear in the Review Medical Examination by the "Appellate Authority held on

28.7.2012 at Composite Hospital, Chandigarh, which also declared him unfit by verbal communication. The petitioner represented to respondent No. 2 for medical reexamination, in response to which, vide order dated 23.8.2012 (Annexure P-8), he was informed that no representation lies against the findings of Review Medical Examination. It is this order, which has been assailed in the present writ petition.

3. Considering the contradictory opinions regarding the medical examination of the petitioner, this Court on 19.9.2013 had passed the following order:--

"In the circumstances, Ms. Gurna, learned counsel appearing for the respondents has very fairly stated that the petitioner would be examined by expert Doctors from the Command Hospital, Chandimandir. Those Doctors are requested by this order to examine the petitioner's condition to reconcile the variance in medical opinions available on record and to state whether the medical condition detracts from a career in the army or in the Paramilitary Forces. The petitioner had applied for the post of Assistant Commandant in Central Police Force and participated in the selection process till he was declared medically unfit for the reason afore-stated.

Let the expert Doctors at the Command Hospital, Chandimandir examine the petitioner and submit a report to this Court on or before the next date of hearing."

4. Pursuant to the above directions, the petitioner was reexamined by the Board of Doctors at Command Hospital, which has submitted its report dated 22.10.2013 (Annexure A-1), according to which, the petitioner was found "unfit for short both Great Toes of feet and Hallux Valgus both Feet". In view of the report of the Board of Doctors of the Command Hospital, no relief can be granted to the petitioner. Hence, this petition is dismissed.