

(2021) 10 DEL CK 0047

In the Delhi High Court

Case No : Civil Writ Petition No. 11486, 11499, 11515 Of 2021, Civil
Miscellaneous No. 35423-35424, 35443-35444, 35499-35500 Of 2021

Khushwant Jangra

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 07-10-2021

Acts Referred:

Citation : (2021) 10 DEL CK 0047

Hon'ble Judges : Manmohan, J;Navin Chawla, J

Bench : Division Bench

Advocate : Siddharth Mittal, Prabhat Kumar, Shilpa G.Mittal, Vikrant N.Goyal

Final Decision : Dismissed

Judgement

Manmohan, J

1. Present writ petitions have been filed seeking directions to the Respondents to re-examine and re-conduct medical test of the Petitioners under supervision of an independent Medical Board having independent doctor or re-examine the Petitioners at R & R Hospital, New Delhi or AIIMS, New Delhi.

2. Learned counsel for the Petitioners states that the Petitioners had earlier preferred writ petitions challenging the arbitrary act of Respondents in conducting the Appeal Medical Board and this Court vide order dated 1st September, 2021 had disposed of the petitions with a direction to the Respondents to conduct a fresh medical examination by the Review Medical Board.

3. He states that the Petitioners duly appeared before Review Medical Board on 17th September 2021 where the attitude of the Respondents was hostile towards the Petitioners. He states that the Petitioners were then referred to AFCME where they were made to sit in a chilled air conditioned room from 10.00 am to 12.30 pm and thereafter immediately their BP and ECG were recorded. He states that low temperature results in increase of blood pressure and the Respondents

knowingly adopted the said procedure to ensure that the Petitioners are unable to pass the medical examination. He emphasises that in the earlier tests, blood pressure of the petitioners had been found within the normal range.

4. It is settled law that this Court examines the decision making process and not the decision itself. In the present case, the matter had been remanded to the Review Medical Board so that the Respondents could conduct another ECG of the petitioners. In the opinion of this Court, the direction to conduct a fresh ECG would encompass the direction to re-examine the blood pressure of the petitioners.

5. The allegation that the Petitioners were made to sit in a chilled air conditioned room for two hours does not impress this Court because if the Petitioners had been successful in their medical tests, they could have been posted anywhere in India including Ladakh, where the temperature in winters goes below minus 20 degree. It is also pertinent to mention that no allegation of malafide has been made against any particular officer of the Respondents.

6. Consequently, as in the present case, the Petitioners have been re-examined by the Appeal/Review Medical Board, this Court is of the view that no further interference is called for in writ jurisdiction.

7. Accordingly, the present writ petitions along with pending applications are dismissed.