

(2023) 07 DEL CK 0292

In the Delhi High Court

Case No : Civil Writ Petition No. 9948 Of 2023, Civil Miscellaneous Application
No. 38335, 38334, 38336 Of 2023

Neeraj D. Nair

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 28-07-2023

Acts Referred:

Citation : (2023) 07 DEL CK 0292

Hon'ble Judges : Sanjeev Sachdeva, J; Manoj Jain, J

Bench : Division Bench

Advocate : Gautam Dhamija, Saloni Sharma, Amrita Prakash, Vishal Ashwani
Mehta, Prashant Rawat

Final Decision : Dismissed

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks a direction to the respondent to induct the petitioner to the Extended Naval Orientation Course or, in the alternative, in the next batch of the said course and re-fixation of his seniority at par with his batch-mates.

2. Petitioner had applied for the Short Service Commission Extended Naval Orientation Course for General Service (Executive) in June 2023 batch. Petitioner possesses NCC – “C” certificate and was directly called for the interview round at the SSB, Kolkata. Petitioner cleared the interview round and progressed towards medical examination. The Special Medical Board, which conducted the medical examination of the petitioner, declared him unfit on the ground of being overweight as he weighed 99 kgs. Petitioner filed an appeal, which was listed before the Appeal Medical Board and was granted 42 days to reduce his weight. He reduced his weight to 84 kgs as on 01.05.2023 but even that was beyond the permissible limit. He was again granted 30 days” time for reducing his weight and to bring the same within the prescribed limit. Petitioner was then examined by the Review Medical Board on 19.06.2023 when his weight was found to be 77

kgs. Review Medical Board proceedings have been produced before us. The same has been perused and returned.

3. As per the medical standard prescribed for a person of height of 173 cms and aged between 20 years + 1 day and 30 years, the permissible limit is 55-69 kgs. Petitioner was found to be 99 kgs by the Special Medical Board, 84 kgs by the Appeal Medical Board and 77 kgs by the Review Medical Board. Petitioner has not been able to reduce his weight despite availing two opportunities of 42 days and 30 days respectively to bring his weight within the prescribed parameters.

4. As per respondent, since the petitioner did not have the weight within the permissible limit, he has been declared unfit and as such, there is no question of inducting petitioner in the Extended Naval Orientation Course. As per records the candidature of the petitioner has been rejected on the ground of being overweight.

5. In view of the fact that petitioner has not been found to be fit in terms of the "Revised Height – Weight Standards for Induction/Recruitment into the Indian Navy as Officers/Sailors", we find no merit in the petition.

6. Petition is, consequently, dismissed.