

(2022) 05 DEL CK 0208

In the Delhi High Court

Case No : Civil Writ Petition No. 8627 Of 2022

Prabhat Singh

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 30-05-2022

Acts Referred:

Citation : (2022) 05 DEL CK 0208

Hon'ble Judges : Suresh Kumar Kait, J;Saurabh Banerjee, J

Bench : Division Bench

Advocate : Rohit Bhagat, Syed Abdul Haseeb, Samiksha, Avnish Ahlawat, Karan Bhardwaj, Uday Singh Ahlawat, Tania Ahlawat, Palak Rohmetra, Siddhant Tyagi

Judgement

CM APPL. 25937/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

W.P.(C) 8627/2022 & CM APPL.25936/2022 (stay)

3. Vide the present petition, petitioner seeks quashing and setting aside of the impugned medical reports dated 27.04.2022 and 02.05.2022; directions to respondents to further consider the petitioner for selection/recruitment process, in accordance with his merits and to accord all consequential benefits to him.

4. By way of present writ petition, petitioner is challenging his exclusion from the selection process for the post of Sub-Inspector in Delhi Police and CAPFs, through "Sub-Inspector in Delhi Police and CAPFs Examination-2020" due to aforesaid impugned medical reports. Petitioner qualified his Physical Endurance Test. However, he was declared unfit vide medical report dated 27.04.2022 due to the reasons "Non Homogeneous opacity ruled in right upper zone? Old tuberculosis etiology."

5. Upon petitioner's representation for review medical board, he was called for

the same and was directed to get an investigation "HRCT-Chest" done from Focus Imaging & Research Centre Private Ltd. Petitioner got his lab test conducted and the report was seen by the Review Medical Board which also declared the petitioner 'unfit' vide RMB report dated 02.05.2022 on the following ground:

"Underwent related investigations – suggestive of early small airways obstruction pleuroparenchymal thickening plural tags B/C upper lobes architectural distortion and mild tubular bronchiectasis".

6. Learned counsel for petitioner submits that thereafter, two civil hospitals, i.e. (1) AIIMS, Delhi vide its report dated 06.05.2022 and (2) RML Hospital, New Delhi vide its report dated 09.05.2022, have opined about the fitness of petitioner that he may be considered fit with no active disease and mild post infective sequelae.

7. Similar issue came before this Court in case of Kartikeya Arora vs. Union of India & Ors. in W.P.(C) 3485/2020 and the same was decided by a Co-ordinate Bench of this Court on 02.09.2020.

8. Since the issue raised in the present petition is undisputedly same, therefore, we hereby dispose of the present writ petition by directing the respondents to facilitate the constitution of a Medical Board including pulmonary experts at the Army Hospital (R&R), New Delhi and also to facilitate the examination of the petitioner within two weeks from today and if the petitioner is found fit, he may be permitted to participate in the further selection process.

9. It is made clear that if the petitioner is found unfit by the aforesaid medical board, the decision of the medical board shall be final and no further opportunity shall be granted to him.

10. Copy of this order be transmitted to Incharge, R&R Hospital, New Delhi for information and necessary compliance.