

(2023) 05 DEL CK 0392

In the Delhi High Court

Case No : Civil Writ Petition No. 7407 Of 2023, Civil Miscellaneous Application
No. 28833 Of 2023

Sonu Yadav

APPELLANT

Vs

Union Of India And Anr

RESPONDENT

Date of Decision : 26-05-2023

Acts Referred:

Citation : (2023) 05 DEL CK 0392

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Yogesh Sharma, A.K. Trivedi, Naveen Kumar, Subhash Tanwar,
Sandeep Mishra, Ashish Chaudhary, Sahib Gurdeep Singh, Hemendra Singh

Final Decision : Disposed Of

Judgement

1. Vide this petition, petitioner is praying as under:

"(a) Quash/set aside the Rejection Slip dated 18/05/2023 declaring as illegal and arbitrary in eliminating the candidature of the petitioner in Medical examination due to unhealed & unhealthy tattoo removed & scar over Rt forearm (Saluting Arm).

(b) Direct the respondents to conduct a fresh Medical Board and medically examine the petitioner a fresh and if the petitioner is found fit, he may be considered and given appointment for the post of Constable (Barber) in the BSF with all consequential benefits."

2. Case of petitioner is that respondent No.2 issued an advertisement Notice dated 14.01.2022 for recruitment for the post of Constable (Tradesman) (Male & Female) in Border Security Force for the year 2021-22. After qualifying PST/PET and Written Examination, petitioner was called for detailed Medical Examination/ Review Medical Examination on 09.05.2023 and was declared unfit for the reason 'unhealed Mark on Right Forearm'. Thereafter, petitioner appeared for Review Medical Examination on 18.05.2023 and petitioner was again declared

medically unfit due to 'unhealed & unhealthy Tattoo removed scar over Rt forearm (Saluting Arm)'.

2. Learned counsel for petitioner submits that the said tattoo has been removed and almost healed. Learned counsel further submits that respondents be directed to re-examine the petitioner herein.

3. Keeping in view the reasons stated in the petition and in the interest of justice, we hereby dispose of the present petition by directing the respondents to constitute a medical board and re-examine the petitioner after 15 days from today.

4. As agreed by the learned counsel for the petitioner, the report of the medical board shall be final and binding.

5. We hereby make it clear that in case the petitioner found medically fit, petitioner shall be allowed to join further selection process.

6. In view of above, present petition and pending application stand disposed of.