
(2021) 12 DEL CK 0045

In the Delhi High Court

Case No : Civil Writ Petition No. 10047 Of 2021

Vivek Jhaghria

APPELLANT

Vs

Union Of India & Anr.

RESPONDENT

Date of Decision : 01-12-2021

Acts Referred:

Citation : (2021) 12 DEL CK 0045

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Navin Chawla, J

CM 30997/2021(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 10047/2021

1. The present petition has been filed by the petitioner praying for a direction to the respondents to bring on record and set aside the impugned Medical Unfitness Certificates dated 09.02.2021 and 05.03.2021. The petitioner further prays for a direction to the respondents to conduct Re-Medical Examination at any place of choice of the respondents for appointment of the petitioner in the Indian Air Force.

2. It is the case of the petitioner that the petitioner applied for the post of 'Airmen' in Group 'X' and 'Y' category as per the notification issued by the Central Airmen Selection Board, Indian Air Force. The petitioner, upon clearing Phase-I and Phase-II of the recruitment process, was directed to appear for the Phase III- Medical Test which was conducted at 11 Wing Airforce Station, Tezpur on 09.02.2021. The petitioner appeared for the Medical Examination and was declared medically unfit on the ground of 'ECG Abnormality- Short 'PR' Level'.

3. The petitioner, aggrieved by the decision of the Medical Examination, applied for an Appeal Medical Board. At the stage of the Appeal Medical Board, the petitioner was again declared medically unfit on the ground of 'ECG Abnormality' on 05.03.2021.

4. The learned counsel of the petitioner submits that at the stage of the Appeal Medical Board, the Medical Examination of the petitioner was not conducted. She submits that at the stage of the Appeal Medical Board, the previous documents of the petitioner were checked, upheld and reiterated and he was declared medically unfit on the basis of the earlier documents issued by the Air Force Station, Tezpur.

5. Today the learned counsel for the respondents as well as the doctor on behalf of the respondents presented the medical file of the petitioner to the Court. Upon perusal of the medical file as well as consultation with the doctor, it was brought to light that a repeat ECG test had been conducted at the stage of the Appeal Medical Board and the petitioner was rightfully found unfit on the ground of ECG Abnormality. In fact, upon perusal of the file, it was further revealed that the petitioner had been referred to a specialist doctor at the stage of the Appeal Medical Board.

6. In view of the above, we find no merit in the present petition, the same is dismissed.