



2025:DHC:49-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 07.01.2025

+ W.P.(C) 49/2025, CM APPL. 153/2025

SHREYA JUYAL

.....Petitioner

Through: Mr. Ajit Kakkar, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Amit Tiwari, CGSC with
Mr. Hussain Jaqvi, Ms. Ayushi
Srivastava, Mr. Ayush Tanwar,
Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner, praying for the setting aside of the Medical Board proceedings dated 10.10.2024, as well as the Appeal Medical Board proceedings, which have declared the petitioner medically unfit for appointment to the post in the Flying Branch of the Indian Air Force pursuant to the Air Force Common Admission Test (AFCAT)-01/2024, on account of her being diagnosed with the condition "Beta Thalassemia Trait".

2. The learned counsel for the petitioner has handed over a copy of the medical report from the Vardhman Mahavir Medical College



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(VMMC) & the Safdarjung Hospital, which has opined that the petitioner is fit for flying/rigorous training. He also places reliance on the report of the All India Institute of Medical Science (AIIMS) Hospital, which similarly opines that the petitioner may be considered for the Air Force and is fit for flying and rigorous training. He also places reliance on the report from the Metro Heart Institute with Multispecialty Hospital, which he submits has given a similar opinion. He further submits that the gene associated with the condition of the petitioner is dormant and would in no manner affect the discharge of the duties by the petitioner.

3. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that the petitioner was initially examined by the Medical Board in Bangalore, and was declared unfit for appointment due to her abovementioned condition. The petitioner appealed against the same, and was subsequently re-examined by the Appeal Medical Board held at the Base Hospital, Delhi, wherein she was again declared unfit for appointment in view of the above condition. He submits that the opinions of the Civilian Hospitals cannot be a reason to set aside the opinion of the Medical Boards established by the respondents which are more conversant with the harsh conditions in which a person appointed is to perform duties and fulfill the demands of the Force.

4. He further submits that, in terms of the IAP 4303 (6th Edition) dated 31.05.2024, the above condition is specifically mentioned as a ground for being declared unfit in service.

5. He submits that the distinction which is now sought to be drawn



by the petitioner, by asserting that the gene is dormant, cannot be a ground to set aside the findings of the Medical Boards. He submits that the petitioner also did not apply for a Review Medical Board within the prescribed time, and in the meanwhile, all the posts have been filled, and the course has already commenced.

6. We have considered the submissions made by learned counsels for the parties.

7. Clause 3.13.2 of Chapter 13 of the IAP referred hereinabove, reads as under:-

“3.13.2. All candidates with evidence of hereditary haemolytic anaemias (due to red cell membrane defect or due to red cell enzyme deficiencies) and haemoglobinopathies (Sickle cell disease, Beta-Thalassaemia: Major, Intermedia, Minor, Trait and Alpha Thalassaemia etc) are to be considered unfit for service.”

8. A reading of the above would show that the condition of the haemoglobinopathies/Beta-Thalassaemia, by itself, is a ground for declaring a candidate unfit for service. There are no exceptions carved out for the same.

9. In the present case, as submitted by the learned counsel for the respondents, the petitioner was initially examined by the Medical Board in Bangalore, and subsequently, re-examined by the Appeal Medical Board in Delhi. Both the Medical Boards have declared the petitioner unfit for appointment. Due regard must be given to this opinion.

10. Though the petitioner has placed before us the reports of the examination at the Safdarjung Hospital, AIIMS as also the Metro



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Hospital, wherein the petitioner has been found to be fit for undergoing flying duties and rigorous training, we are of the opinion that the Medical Boards appointed by the respondents are more conversant with the specific requirements of the duties and the service conditions. Their opinion should not be interfered with only because certain other hospitals/medical boards have opined to the contrary.

11. There is no allegation of *malafide* or lack of the required test being conducted by the respondents in assessment of the petitioner's eligibility. In absence of such a plea, in our view, it would not be right for this Court, in exercise of its power under Article 226 of the Constitution of India, to interfere with the opinion of the Medical Boards.

12. We also have to keep in mind that the abovementioned condition has been specifically mentioned as a ground for declaring the candidate unfit for appointment. We cannot now go into the minuteness of the above condition and carve out exceptions when there are none provided for in the medical guidelines.

13. Accordingly, we do not find any merit in the writ petition.

14. At this stage, the learned counsel for the petitioner submits that the reports of the tests that were conducted by the Medical Boards at least should be supplied to the petitioner. Although, the learned counsel for the respondents submits that there are no rules requiring the respondents to supply these reports to the petitioner, considering the facts of the present case, where the petitioner has placed before us the reports from the Safdarjung Hospital, AIIMS, as also the Metro Hospital, we direct the respondents to supply the reports of the tests



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that were conducted on the petitioner before declaring her unfit for appointment, including of the opinion of the Specialist, if any, taken by the respondents, within a period of two weeks from today. The writ petition, along with pending application, is disposed of with the above direction.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 7, 2025
SU/B/DG

[Click here to check corrigendum, if any](#)