



2025:DHC:4066-DB



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

Reserved on: 18.02.2025
Pronounced on: 20.05.2025

+ W.P.(C) 6683/2023
SHASHI PRABHAKAR DASPetitioner
Through: Ms. Indrani Gupta and Mr. S.S.
Dhir, Advs.

versus

UNION OF INDIA ORSRespondents
Through: Mr. Gagan Kumar and Ms.
Gaurangi Mehrotra, Adv.
AC B. Pradhan and SI
PrahlaDevenda.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR
J U D G M E N T

SHALINDER KAUR, J

1. The present petition under Article 226 of the Constitution of India has been filed by the petitioner, seeking the following reliefs:

A. Issue a writ in the nature of Certiorari quashing and/or setting aside the order dated 06.04.2021 passed by the respondent no.4 wherein the petitioner has been terminated from service with immediate effect.

B. Issue a writ in the nature of Certiorari setting aside the final medical board proceeding dated 08.03.2021 and reconsider the medical opinion as has issued by JLN Hospital Ajmer dated 27.10.2020.

C. Issue a writ in the nature of mandamus directing the Respondent no.3



to reinstate the petitioner in service with immediate effect considering the medical report as has issued by JLN Hospital Ajmer dated 27.10.2020.

D. Issue a writ in the nature of mandamus directing the Respondent no.1 to pay the full arrear salary, to the petitioner from the date of termination till the disposal of the instant writ petition.”

2. The petitioner, Shashi Prabhakar Das, was appointed as a Probationer in the post of Constable/GD in the Central Industrial Security Force (‘CISF’) following his selection through the SSC Examination, 2015. Pursuant to his selection, an offer of appointment was issued to him on 15.03.2017 by the Commandant, CISF Unit, ECL(S), and he was instructed to report to RTC Deoli on 02.04.2017 to undergo his basic training, which was scheduled to commence from 10.04.2017. In compliance with the said directions, the petitioner reported at RTC Deoli, and joined the basic training. At the time of his joining, the petitioner was declared to be physically, mentally, and medically fit.

3. During the course of training, on 05.06.2017, however, the petitioner collapsed after his morning run. He was initially taken to a local hospital and subsequently, admitted to the MICU at Narayana Multi-Specialty Hospital in Jaipur. The petitioner was diagnosed with viral haemorrhagic fever with 108 degrees Fahrenheit temperature with chills, multi-organ dysfunction, vomiting, and abnormal behaviour. He remained admitted in the hospital for about two weeks. He was discharged from the hospital on 20.06.2017 with residual Central Nervous System (CNS) manifestations, including impaired



Higher Mental Functions (HMF), slurred speech, and abnormal behaviour.

4. Following his discharge, the hospital authorities advised the petitioner complete home rest for a period of one month until 21.07.2017. His recovery, however, required extended rest, and he was further advised home rest for fifteen days, from 19.07.2017 to 03.08.2017.

5. On 04.08.2017, the petitioner re-joined his duties at RTC Deoli and was referred for medical diagnosis at Narayana Multi-specialty Hospital, Jaipur, where he was advised two days of rest.

6. Subsequently, the CISF authorities, considering his health, extended his home rest on multiple occasions under the condition of 'No Work, No Pay', spanning from 10.08.2017 to 22.01.2018. During this period, the petitioner was not allowed to resume his training and was placed under medical supervision.

7. On 23.01.2018, the petitioner re-joined duty at RTC Deoli with a fitness certificate. He was subsequently transferred to Ikai NALCO Angul Unit, Odisha, to perform regular duties. The petitioner reported for duty at Ikai NALCO Angul Unit, Odisha on 31.01.2018 and continued to serve at the said Unit without any absence until 31.08.2018.

8. On 01.09.2018, the Commandant of the CISF issued a Movement Order, directing the petitioner to report back to RTC Deoli for the completion of his basic training, along with a fitness certificate issued by the concerned authorities.

9. The petitioner reported back to RTC Deoli on 04.09.2018,



however, instead of being assigned the basic training, he was assigned to regular duty.

10. On 12.11.2018, the CISF Medical Board declared the petitioner '*unfit*' to undergo basic training for a period of six months. Consequently, the petitioner continued to perform regular duties for a period of nine months.

11. On 17.07.2019, the petitioner was once again declared *unfit* to undergo basic training for a further period of six months and was again placed on regular duty.

12. The condition of the petitioner, however, necessitated further medical evaluations, therefore, on 31.01.2020, the petitioner was sent to AIIMS Hospital and Safdarjung Hospital, Delhi for a medical examination, where he was diagnosed with mild '*Dysarthria*'. Consequently, he was declared '*unfit*' for basic training for a further period of 24 weeks by the CISF Unit/SSG/Greater Noida.

13. Upon completion of the 24-week period, a review Special Medical Board ('SMB') was conducted on 15.09.2020, and the petitioner was referred to the Composite Hospital, CRPF, Ajmer on 23.10.2020, and further to JLN Hospital, Ajmer for a medical opinion.

14. It is the claim of the petitioner that on 27.10.2020, JLN Hospital, Ajmer declared the petitioner to be '*fit*', with his speech and language being normal within the limits of his proficiency in Hindi. However, despite this declaration, the petitioner was not reinstated into basic training and continued to serve in regular duties.

15. The petitioner claims that thereafter, due to the COVID-19 pandemic, the medical board was continuously postponed, and the



petitioner continued to serve in regular duties.

16. Part-I of the Medical Board Proceedings was held at RTC Deoli on 02.01.2021, followed by another referral to JLN Hospital by the Composite Hospital, CRPF, Ajmer on 22.02.2021 for a further medical opinion.

17. Subsequently, on 09.02.2021, the Competent Authority at RTC Deoli forwarded a letter dated 09.02.2021 to the Commandant, CISF Unit NALCO Angul Odisha, highlighting the petitioner's incomplete training due to the non-availability of a specialist doctor.

18. Thereafter, on 05.03.2021, JLN Hospital, Ajmer opined that the petitioner had mild *Dysarthria*, which might improve with speech therapy, though some deficit in speech could persist.

19. On 08.03.2021, Part-II of the Medical Board was held at the Composite Hospital, Ajmer. It declared the petitioner '*Not Fit*' for basic training.

20. Based on this medical assessment, the petitioner was terminated from service with immediate effect as per Rules 25(2) and 26(4) of the CISF Rules, 2001 by the Impugned Order dated 06.04.2021, issued pursuant to a letter dated 12.03.2021 of RTC Deoli based on the report of the Medical Board Proceedings, Composite Hospital, Ajmer, which found the petitioner '*not fit*' for basic training. The petitioner was given one month's salary in lieu of the one month notice period.

21. Aggrieved by this decision, the petitioner filed a representation on 22.06.2021, seeking reconsideration of his case based on his special circumstances. Additionally, on 24.06.2021, the petitioner served a legal notice through his advocate. The representations were,



however, rejected *vide* Order dated 03.09.2021, which compelled the petitioner to file the present petition .

SUBMISSIONS OF THE PETITIONER

22. The learned counsel for the petitioner, Ms. Indrani Gupta, submitted that the termination of the petitioner from service, *vide* Order dated 06.04.2021, was arbitrary, unjust, and in gross violation of the principles of natural justice. It was argued that the respondents acted mechanically on the recommendations of the Medical Board, ignoring the petitioner's medical history and the special circumstances leading to his condition.

23. She submitted that the petitioner had been declared '*Fit*' by the JLN Hospital, Ajmer, on 27.10.2020, wherein it was specifically noted that the petitioner's speech and language were normal and within the limits of his proficiency in Hindi. This medical opinion, she submitted, was disregarded by the respondents without any cogent reason.

24. It was submitted that the respondents acted in a manner contrary to Rule 26 of the CISF Rules, 2001, which mandates the consideration of special circumstances before terminating an individual on medical grounds. The learned counsel submitted that the respondents, despite knowing that the petitioner's medical issues arose during the course of his rigorous training at RTC Deoli, failed to exercise their discretionary power judiciously and instead, proceeded with the petitioner's termination in a mechanical fashion.

25. She submitted that the petitioner suddenly fell unconscious after his prolonged morning run, forming part of his active training, as a



consequence of the extreme temperatures of Deoli, Rajasthan, shooting upto 50 degrees Celsius, and thereafter was taken to a local hospital.

26. It was further submitted that the decision of the respondents to declare the petitioner unfit without considering the petitioner's actual work performance was misplaced. She submitted that despite his medical condition, the petitioner had been performing his duties diligently and without any complaints during his tenure at Ikai NALCO Angul Unit, Odisha and subsequently at RTC Deoli. This, it was argued, was indicative of the petitioner's capability to discharge his responsibilities despite his speech impairment.

27. Further, she submitted that paragraph 7(f) of the Revised Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles, states that slight stammering, after 4 or 5 sentences, falls within minor acceptable defects, which is the case of the petitioner.

28. The learned counsel for the petitioner also placed reliance on the Rights of Persons with Disabilities Act, 2016, particularly Section 20 thereof. It was argued that the petitioner suffers from Dysarthria and Diffuse Cerebellar Atrophy, which are recognized disabilities under the Rights of Persons with Disabilities Act. It was, thus, submitted that the respondents failed to provide the petitioner with the necessary accommodations as mandated by law.

29. Ms. Gupta also submitted that the petitioner, after recovering, has discharged his regular/general duties for a period of 3 years and 4 months without any hindrance and as such, his disability has never



come in the way of him discharging his duty, thus, his discharge is unwarranted and illegal.

30. To strengthen the case, the learned counsel for the petitioner placed reliance on the Judgement dated 17.12.2021 of the Supreme Court in Civil Appeal No.6924 of 2021 titled ***Ravinder Kumar Dhariwal&Anr. v. Union of India & Ors.***; Judgement dated 13.02.2003 in Civil Appeal No. 1789/2000 titled ***Kunal Singh v. Union of India &Anr.***; of this Court in ***Rati Ram v. Union of India &Ors.***, 2016:DHC:2308-DB; and of the Bombay High Court in Judgement dated 04.03.2019 in WP No. 6806/2014 titled ***Shankar Kumar vs Union of India &Ors.***

SUBMISSIONS OF THE RESPONDENTS

31. The learned counsel for the respondents, Mr. Gagan Kumar, on the other hand, submitted that the termination of the petitioner from service was carried out in strict compliance with Rules 25(2) and 26(4) of the CISF Rules, 2001. It was contended that the petitioner was declared medically unfit after a thorough and transparent assessment by the Composite Hospital, CRPF, Ajmer, which is the designated medical authority for such evaluations.

32. He submitted that the petitioner's medical condition of *Dysarthria* and slurred speech, rendered him unfit to perform the duties of a Constable/GD in CISF, which requires impeccable communication skills and physical fitness. The respondents contended that the petitioner was given ample opportunities to recuperate and re-join his training, but his medical condition did not improve to the required standards.



33. The respondents further submitted that the petitioner was assessed not only by JLN Hospital, Ajmer but also by AIIMS, Safdarjung Hospital, and the Research and Referral Hospital, Army Delhi, all of which concluded that the petitioner was unfit for training. He submitted that the final report dated 18.08.2023 from the Research and Referral Hospital reaffirmed the petitioner's unfitness, justifying his termination.

34. It was argued that the CISF Medical Manual, 2017, particularly Paragraph 6.9 and 9.X.(g) thereof, lays down the procedures for assessing medical fitness and the consequences of prolonged unfitness. It was submitted that the petitioner did not meet the requisite medical standards, and allowing him to continue would compromise the operational efficiency of the Force.

35. The learned counsel further argued that the Notification dated 18.08.2021, which exempts the CISF from the purview of the Rights of Persons with Disabilities Act, 2016, applies squarely to the petitioner's case. As a paramilitary force entrusted with sensitive security operations, it was contended that the CISF is not required to accommodate individuals who do not meet its medical standards, including those with neurological or speech disorders that impair effective communication and physical performance.

36. He also contended that the principles of natural justice were duly followed, as the petitioner was given repeated opportunities to recover, was subjected to multiple medical evaluations, and was granted home rest and alternative duties during his period of recovery. It was further argued that the petitioner had not been singled out, and



that the decision was in line with established norms and procedures of the force.

37. He submitted that the petitioner has not assailed the Medical Reports and that the Medical Boards are expert bodies that have been constituted for such evaluations, therefore, their opinion ought not to be interfered with, except in cases where manifest illegality is demonstrated.

38. In support of his submissions, he placed reliance on the Judgment of this Court in *Neha v. Union of India & Ors.*, 2022:DHC:004547.

39. In conclusion, the respondents prayed for the dismissal of the present writ petition on the grounds that the petitioner's termination was legal, justified, and in accordance with medical assessments, which are final and binding under the CISF Rules.

REJOINDER OF THE PETITIONER

40. In rebuttal, the learned counsel for the petitioner submitted that as per the guidelines dated 28.07.2018 issued by the Ministry of Home Affairs, such form of disability as the petitioner is having, which is only a minor impairment that is fully under control, and otherwise the petitioner is fit for all duties under medical observation, that there should be no employability restrictions.

ANALYSIS AND CONCLUSION

41. Having considered the pleadings, the submissions of the learned counsels, and the material placed on record, this Court proceeds to examine the issues arising in the present case.

42. The primary issue for consideration is whether the termination



of the petitioner from service on medical grounds, was legally justified and in accordance with the applicable rules and regulations.

43. At the outset, it would be relevant to reproduce Rule 25(2) and Rule 26(4) of the CISF Rules, 2001, which are as under:

“25. Probation –

xxxxx

(2) If during the period of probation the appointing authority is of the opinion that a member of the Force is not fit for permanent appointment, the appointing authority may discharge him or terminate the services from the Force after issue of notice of one month or after giving one month's pay in lieu of such notice, or revert him to the rank from which he was promoted or repatriate to his parent department as the case may be.

xxxxx

26. Termination –

xxxxx

(4) During the period of probation or its extension thereof, as the case may be, the appointing authority may without assigning any reason terminate the services of a member of the Force on the grounds of furnishing false or incorrect information at the time of appointment of that member of the Force or for his failure to pass the basic training or repeat course, by tendering a notice of one month to that effect or one month's pay in lieu thereof.”

44. Upon a plain reading of the aforesaid provisions, it is evident that if, during the period of probation, the Appointing Authority is of the opinion that a member of the Force is unfit for permanent appointment, the Authority is empowered to terminate the services of such probationer from the Force after issuance of a notice of one



month or by paying one month's salary in lieu thereof. It is also relevant to observe that the said Authority is not mandated to assign any reasons for the same and may choose to terminate the services of a probationer by issuance of the said notice. Further, the proviso to Rule 25(1) postulates that no member shall ordinarily be kept on probation for more than twice the period prescribed under the relevant recruitment rules.

45. In the present case, the Impugned Order of termination dated 06.04.2021 was passed by the competent authority, and thereafter, *vide* Order dated 03.09.2021, the representation filed by the petitioner against the said order was rejected by the Inspector General, CISF.

46. Before adverting to the rival submissions, it would be appropriate to reiterate that the scope of judicial review in cases questioning medical opinion rendered by duly constituted Medical Boards, is fairly limited. These Boards, being expert bodies, give categorical opinion after due evaluation of all relevant factors concerning an individual's health. The Courts, lacking medical expertise, cannot substitute their own views in place of the Medical Board's findings, and the Courts have to rely on the same and not interfere unless the said opinion is demonstrated to be illegal, biased, actuated by extraneous considerations, found to have not taken into account the relevant Rules, or being bereft of cogent reasons. The same has also been observed in *Neha* (supra), the relevant portion of which is quoted hereinbelow:



“This Court sitting under writ jurisdiction is not to judge the manner followed or comment upon the eligibility criteria adopted by the respondents as that would tantamount to treading upon an unfamiliar path. According to it, it is too far-fetched for this Court to try to or indeed cross the boundaries to charter into inaccessible lands without any knowledge or instructions in that regard. This Court, thus, refrains from commenting anything upon the policy adopted or the rules and regulations followed or, much less, the procedure followed by the respondents. The Forces are the best judges to set their own standards for selection as per their own discretion, which generally merits no interference by a Court of law, save and unless, in case of some grave exceptional circumstances.”

47. In the backdrop of the above, we may now proceed to examine the case at hand.

48. The petitioner, being a probationer, could not complete his Basic Training even after a lapse of four years owing to his medical condition, namely *Dysarthria*, and has challenged the termination of his services as a Constable (GD) in the CISF.

49. From the perusal of the records and accompanying medical reports, it emerges that on 05.06.2017, the petitioner fell unconscious post his morning run, and was admitted to MICU at Narayana Multi-Speciality Hospital, Jaipur. He was diagnosed with viral hemorrhagic fever with chills, high-grade fever of 108°F, multi-organ dysfunction, vomiting, and abnormal behaviour. He was discharged on 20.06.2017, with an advice of home rest for one month till 21.07.2017. Thereafter, further rest was advised till 03.08.2017, and the petitioner was asked to report back on 04.08.2017. The petitioner re-joined his duties at



RTC Deoli on 04.08.2017, and was referred for medical diagnosis at Narayana Multi-specialty Hospital, Jaipur, where he was advised two days of rest. Thereafter, the petitioner was further prescribed periodic home rest by the RTC Deoli through subsequent medical advices, and the petitioner eventually reported to RTC Deoli on 23.01.2018 with a fitness certificate, and was transferred to Ikai NALCO Angul Unit, Odisha for joining regular duties.

50. Subsequently, *vide* Movement Order dated 01.09.2018, the respondents sent the petitioner to RTC Deoli for completion of his Basic Training, and the petitioner reported at RTC Deoli on 04.09.2018. However, he was declared medically *unfit* to undergo training, *vide* Medical Board Proceedings dated 12.11.2018, for a further six months with effect from 12.11.2018. The relevant extract from the said proceedings is reproduced as under:

“(18) Examination of the board

The Board has examined the individual in detail. The details are as under:

(i) Brief History: *The individual was referred to govt hospital Deoli and subsequently to Narayana Multispecialty Hospital, Jaipur with chief complaint of sudden onset of high-grade fever with chills (108 F), Altered sensorium with bowel bladder incontinence, vomiting and abnormal behaviour. Patient admitted to MICU at Narayana Multispecialty Hospital, Jaipur for further evaluation and management. During the course of treatment individual developed severe thrombocytopenia, subconjunctival bleed, erythematous rash, hypotension, myocarditis, acute kidney injury and encephalopathy. Individual was diagnosed as a case of viral haemorrhagic fever with multi organ dysfunction. Individual was managed*



conservatively with vasopressors and mechanical Examination individual was discharged on 20.06.2017 in stable condition with dysarthria. The individual was referred in. S.M.S Hospital Jaipur for specialist opinion. MRI brain done on dated 22.10.2018 reveals Prominent Cerebellar Folia, 4th ventricle and basal cisterns suggestive of diffuse Cerebellar atrophy. OPINION OF SPECIALIST Board SMS, HOSPITAL, JAIPUR D.NO. 1824(2)/MB/18 dated 24/10/2018 is attached. He has opined "We board members clinically examined the patient Shashi Prabhakar Das. He has residual dysarthria with past history of viral meningoencephalitis in June 2017. He is not on any treatment for past 1 year. Presently he has only residual dysarthria with no other significant motor and cognitive detail. He is able to understand spoken words and able to communicate with others with residual dysarthria. He is fit for all motor functions of limbs with normal cognition.

xxxxx

(vii) Opinion of the board:

*In view of the above Specialist opinion, Investigations and examination by the board, the board is of the opinion that the individual by name **SASID PRABHAKAR DAS (CISF NO. 170158945) IS UNFIT TO UNDERGO TRAINING FOR A PERIOD OF 06 MONTHS W.E.F 12-11-18.***

***19. Was the Disability Contracted in : YES
Service***

***20. Is it strictly attributable to the Conditions
of Service : NO"***

51. Notably, in Paragraph 19 of the Medical Board Proceedings dated 12.11.2018, it was stated that although the disability was



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contracted during service, it was not attributable to service conditions. The petitioner has not challenged this specific finding of the Medical Board.

52. He was then placed on regular duty for the next nine months.

53. On 17.07.2019, the petitioner was again declared '*unfit*' to undergo training for an additional six months with effect from 17.07.2019 by CISF Unit, RTC Deoli.

54. On 30.01.2020, he was referred to AIIMS Delhi and to the Safdarjung Hospital, where he was diagnosed with mild *Dysarthria* and was again declared '*unfit*' for Basic Training for 24 weeks by CISF Unit /SSG/Greater Noida.

55. It is further noted that lastly, on 08.03.2021, Part-II of the Medical Board held at the Composite Hospital, Ajmer, rendered its opinion declaring the petitioner as '*Unfit*' for undergoing Basic Training. The findings and opinion of the said Medical Board are extracted hereinbelow:

"MEDICAL BOARD PROCEEDING PART-II

***F.NO./IRLANO170158945 RankCT/UT NAME SHASHI P. DAS
Unit/Office. CISF RTC DEOLI has appeared this day of 08/03/2021
before medical board.***

Sd/-

Signature of Individual

OPINION OF THE BOARD

<i>S.No.</i>	<u>Finding of the Board:</u> <i>Individual is an</i>
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1.	<i>old K/C/O/ Dysarthria since June, 2017. There was history of High grade fever illegible sensorium (MRI Brain S/o Diffuse cerebellar Atrophy) during June 2017 & Admitted at Narayana Hospital Jaipur for the same. He completed his speech therapy at Jaipur AIIMS Delhi during 2020. But at present, mild Dysarthria is still present. Hence, the Board of the opinion that he is not fit (NOT FIT) for the training.</i>	
2.	<i>Was the disability contract in service as per COI?</i>	<i>COI not admitted.</i>
3.	<i>Was contracted in circumstances over which he had no control?</i>	<i>YES</i>
4.	<i>Is it directly attributed to condition of service as per COI?</i>	<i>NO</i>
5.	<i>If so by what specific condition?</i>	<i>N/A</i>
6.	<i>If not directly attributed to service, was it aggravated their and if so, by what specific condition?</i>	<i>N/A</i>
7.	<i>Medical category recommended</i>	<i>N/A</i>
8.	<i>Percentage of disability with calculation sheet wherever available</i>	<i>N/A</i>
9.	<i>Period for which the above medical category is recommended</i>	<i>N/A</i>
10.	<i>Further treatment/Investigation required.</i>	<i>NO</i>



11.	<i>Period of leave recommended (if any)</i>	<i>N/A</i>
12.	<i>Next board due on</i>	<i>N/A</i>
13.	<i>FIT/UNFIT</i>	<i>UNFIT</i>

56. From the above, it is evident that there is a consistent opinion of the Medical Boards affirming that the petitioner was ‘*unfit*’ to undergo Basic Training. It is significant to note that it is not the case of the petitioner that the respondents have acted with any *mala fides*, nor has any such allegation been substantiated on record.

57. The primary contention of the petitioner is that on 15.09.2020, during the course of the Review SMB, he was referred to the Composite Hospital, CRPF, Ajmer, and subsequently to JLN Hospital, Ajmer, for a medical opinion, wherein, on 27.10.2020, he was allegedly declared ‘*fit*’ and it was noted that he had ‘*Normal Speech.*’ However, upon careful perusal of the very document annexed by the petitioner himself, that is, the report issued by the Composite Hospital, CRPF, GC-1, Ajmer, it becomes manifest that the said observation pertains solely to his discharge from COVID-19 quarantine. The endorsement of ‘*fit to resume duties*’ must be considered in the limited context of his discharge from COVID-19 quarantine. The same is further strengthened by the advisory contained therein, directing him to adhere to precautionary measures such as maintaining physical distancing, wearing of face mask, etc. The relevant portion of the said document is reproduced hereinbelow:



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**“COMPOSITE HOSPITAL, CRPF, GC-1,
AJMER**

F. No. 170158.945 Rank: CT/40 Name: Sashi Parbakar Das W/O, S/O, D/O, F/O, M/O- SELF AGE/SEX-23/M Unit- CISF was kept in COVID-19, quarantine/Isolation at GC-1, Ajmer, w.e.f. 10.10.20 to 23.10.20 He/She was regularly monitored during the mentioned period. He/She is fit to resume duties w.e.f. 24.10.2020 by following the below mentioned precautionary measures.

1. Physical distancing
2. Use of mask as advised.
3. Frequent hand washing.
4. Following cough etiquettes,
5. Self-Monitoring and reporting any illness at the earliest.

Sign of Individual
With name

Sd/- 23.10.2020”

58. The next averment of the petitioner is that he was referred to JLN Hospital, where he was declared to have ‘normal speech’. In this regard, it is pertinent to note that while the said document does contain observations about the petitioner’s speech being normal within his proficiency in Hindi, the petitioner has not placed on record any document to substantiate that he was referred there by the respondents to ascertain his fitness for undergoing Basic Training. Be that as it may, even assuming the existence of such a document, the contents thereof merely reflect a provisional diagnosis and record that the petitioner exhibited normal speech. There is, however, no observation, conclusion or specific certification in the said medical report, which certifies the petitioner’s medical fitness to undergo Basic Training.



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The relevant portion of the said document reads as under:

2852325 राजस्थान सरकार
जवाहर लाल नेहरू चिकित्सालय
अजमेर (179)

Printed On : 27-10-2020 10:29 AM Valid Upto: 27-10-2020
HID : 271020102920551 Visit No: V/JLNAJM/20/657289
Patient : MR. S P DAS 26Y /M Mobile : -
Father's Name: JYOTIN DAS
Mother's Name:
Spouse Name: 30437
Category : GENERAL Amount : Rs.10.00
Department : ENT Token : D-402-00014
Date/Time : 27-10-2020 , 10 AM - 11 AM
Room : ROOM NO- 64
Building : BUILDING A Unit : -

Sp Speech language
Pathologist

Provisional Diagnosis : Normal speech
and language within
the limits of his
language proficiency of
Hindi.

apt of → - Safa (MSE)

रा. मे. रि. सो., जवाहर लाल नेहरू चिकित्सालय, अजमेर
फोन : 0145-2425050, E-mail : supdtjinhospitalajmer@gmail.com
रोगी पर यदि दवा का कोई दुष्प्रभाव हो तो इसकी सूचना टोल फ्री नंबर 18001803024 पर दें।"

59. Therefore, neither of the two documents, the first being that from the Composite Hospital, CRPF, GC-1, Ajmer, which pertains solely to the petitioner's discharge from COVID-19 quarantine, while



the second being a separate report from JLN Hospital that notes normal speech, certifies the petitioner's fitness to undergo Basic Training.

60. Another submission advanced on behalf of the petitioner is that he had been discharging his duties in the Force for nearly four years without any impediment, and therefore, he ought to be permitted to continue in service as he can discharge duties despite his impairment. We find no merit in the said contention. It is an admitted position that the petitioner was serving on probation and had not been confirmed in service. It is well within the prerogative of the respondents to determine the suitability of an individual for induction and retention especially in Armed Forces, as they have their own rigours of service. A probationer, such as the petitioner, cannot claim a right to be retained in service, particularly at this probationary stage.

61. At this stage, it becomes relevant to note that upon challenge to the aforesaid termination order, this Court, *vide* Order dated 05.07.2023, directed that the petitioner be referred to the Research and Referral Hospital of the Army at Delhi for a fresh medical re-examination. Pursuant thereto, the petitioner was examined by the Medical Board of the said Hospital, which, in its report dated 18.08.2023, once again declared the petitioner '*Unfit*' as per Paragraph 6.9 and 9.X.(g) of the CISF Medical Manual, 2017. The said report was brought on record and produced before this Court during the course of hearings held on 28.02.2024 and 21.01.2025. The relevant extracts from the said Manual are reproduced herein below:

“6. GENERAL GROUNDS FOR REJECTION



9) Stammering, as specified later”

62. In this regard, we may also note the observation of the Calcutta High Court in ***Dinesh Paswan v. Union of India***, (2013) SCC OnLine Cal 19803, wherein, dealing with the validity of termination of service during the period of probation, it was observed as under:

“The law is now very well settled that a probationer has no substantive right to the post and he cannot complain if his service is terminated before confirmation. This is done as a protection on the part of the employer against selecting a wrong employee and then being required to continue with him for the rest of the service period. The Supreme Court had said that they are 'taken on trial' and that is why there is a period of probation which after successful completion is followed by confirmation. If during the period of probation the appointee is not found fit for permanent retention the employer is within his power to terminate the service of the probationer. The right of the appointee after the period of probation when he has not received any order either of termination or of confirmation was the subject-matter of some dispute.....”

63. Thus, no fault can be attributed to the respondents in the present matter. The petitioner’s period of probation had already exceeded two years and was extended up to the maximum permissible limit, that is, twice the original probationary period, as stipulated under the CISF Rules, 2001. In terms of Rule 25(1) of the Rules, no member of the Force may be continued on probation beyond twice the period prescribed under the applicable Recruitment Rules. In view of the petitioner’s failure to meet the requisite standards within the permissible extended probationary period, his services were



accordingly terminated *vide* Order dated 06.04.2021.

64. It is well settled that during the period of probation, it is the subjective satisfaction of the Competent Authority that determines whether a probationer is fit for confirmation or liable to be discharged from service. No material has been placed on record to demonstrate that the petitioner has been cured of the underlying medical condition which rendered him unfit for training.

65. Considering the sensitive and critical nature of duties undertaken by members of the CISF, it was incumbent upon the respondents to ensure that the petitioner was medically '*fit*' to undergo Basic Training. In light of the consistent and considered opinions rendered by multiple Medical Boards, we find no justification to interfere in the present case.

66. The petitioner has also sought to rely upon Section 20 of the Rights of Persons with Disabilities Act, 2016 to contend that no discrimination can be made in matters of employment against a person with disability. While we acknowledge the importance of this legislation in promoting equal opportunities for persons with disabilities, however, we are not persuaded to accept the said argument. The Armed Forces, by the very nature of their functioning, are governed by strict rigours and operational exigencies which demand the highest standards of physical and mental fitness from their personnel. The Force cannot be compelled to relax its stringent medical standards prescribed for recruitment. We also note that the notification dated 18.08.2021 issued by the Ministry of Social Justice and Empowerment has exempted CISF from certain provisions of the



Act, including Section 20(1). Moreover, the petitioner, being appointed to the post of Constable (General Duty), is required to conform to the standards expected by the Force. His continuation in service is contingent upon his satisfying those standards.

67. It would also be pertinent to refer to the observation made by a Co-ordinate Bench of this Court in *Jyoti Thakur v. Union of India*, 2020 SCC OnLine Del 1869, which involved a case concerning a probationer who was declared medically 'Unfit' for the position of Sub-Inspector in the CISF. The relevant extract is reproduced as under:

“12. No doubt everyone values employment opportunities. But where certain eligibility criteria have been prescribed, it would be wrong for the courts to meddle with those standards and water them down, because costs would have to be paid by the country subsequently. No candidate who does not fulfil the medical standards can be inducted, as it would be detrimental to the discipline in the Forces as such persons would be placed in 'low medical category and posted in 'soft areas and duty', whereas the burden on others to serve at hard stations and posts would increase disproportionately.”

68. In view of the overall conspectus of facts and circumstances, we are of the considered view that the Appointing Authority has rightly exercised its powers under the CISF Rules, 2001 while passing the Impugned Order of termination. The petitioner's representation was also duly considered and disposed of by the Inspector General through a reasoned order, after examining the entire service record and medical history of the petitioner.



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69. The reliance placed by the petitioner on the decisions of ***Ravinder Kumar Dhariwal*** (supra), ***Kunal Singh*** (supra) and ***Rati Ram*** (supra) is misplaced, as the facts and circumstances in those cases are clearly distinguishable. Notably, in none of the said cases were the petitioners therein probationers. The judgments relied upon were rendered in their own peculiar facts and do not support the petitioner's case in the present matter.

70. Accordingly, we find no infirmity in the Impugned Orders.

71. The present petition, accordingly, stands dismissed.

SHALINDER KAUR, J.

NAVIN CHAWLA, J.

MAY 20, 2025

FRK/SK

Click here to check corrigendum, if any