



2025:DHC:3676-DB



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

+ W.P.(C) 3666/2025

ROSHAN KUMAR

.....Petitioner

Through: Mr. Pankaj Mehta, Ms. Shweta
Soni, Ms. Akansha Singh and Ms. Simran
Mehta, Advs.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Subodh Kumar Kaushik,
Adv. with Major Anish Muralidhar, Army.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

06.05.2025

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C. HARI SHANKAR, J.

1. This petitioner cleared the Combined Defence Services Examination for recruitment to the Armed Forces. Thereafter, he was examined by a Special Medical Board¹. The SMB, *vide* report dated 4 December 2024, found that he had a calculus² in his left kidney. The matter was referred to an Appellate Medical Board³. The AMB has found that the petitioner had a calculus in his right kidney.

¹ "SMB", hereinafter

² stone

³ "AMB", hereinafter



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2. There is no reference, in the report of the SMB to any calculus in the right kidney. Equally, there is no reference in the report of the AMB to any calculus in the left kidney of the petitioner.
3. Mr. Pankaj Mehta, learned Counsel for the petitioner further submits that the petitioner got himself examined by the Military Hospital, Jaipur, which conducted an ultrasonography examination and reported that there was no calculus in either of the kidneys of the petitioner.
4. Major Murlidhar, who appears for the respondent, submits that the report of the AMB should be accorded precedence over the report of the SMB.
5. While, in normal cases, that would be the position, this case presents a peculiar feature in which as Mr. Mehta, very eloquently expressed, the stone has travelled from one kidney to the other between the petitioner having been examined the SMB and the AMB.
6. The prayer of the petitioner is only that he should be examined by a Review Medical Board⁴.
7. The prayer is innocuous and, in the facts of the present case, as the petitioner's career is at stake, we deem it appropriate to grant the prayer.

⁴ "RMB" hereinafter



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8. Accordingly, we direct the respondent to conduct a RMB to examine the petitioner and come to a decision as to whether he suffers from any such ailment as would disqualify him for recruitment within a period of two weeks from today.
9. We also record the contention of Mr. Mehta, learned Counsel, that the petitioner shall remain bound by the decision of the RMB.
10. Let the Review Medical Board be conducted in the Army Research & Referral Hospital, New Delhi.
11. In case the petitioner is found fit, consequential relief would follow.
12. The present petition is, accordingly, disposed of.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 6, 2025/sk

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