



2025:DHC:7785-DB



\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13347/2025, CM APPL. 54678/2025 & CM APPL.
54679/2025
ADITYA JHAPetitioner
Through: Mr. S.S. Pandey, Adv.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Premtosh K Mishra, CGSC,
Mr. Sarthak Anand and Mr. Prarabdh
Tiwari, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **04.09.2025**

C. HARI SHANKAR, J.

1. As we have noted in the order passed yesterday, the only issue to be considered in this case is whether the petitioner was entitled to a Review Medical Board with respect to his medical condition for recruitment to the post of Flying Officer consequent to the AFCAT 2025, despite his having been concurrently found to be unfit by the Special Medical Board¹ and Appeal Medical Board².

2. Mr. Pandey, learned Counsel for the petitioner submitted yesterday that his client had not been provided a copy of the SMB report but had been informed that he had found only temporarily unfit

¹ "SMB" hereinafter

² "AMB" hereinafter



2025:DHC:7785-DB



on account of Disc Degenerative Disease³.

3. His contention was that, as against this, the Appeal Medical Board had certified the petitioner as unfit on account of DDD, and not temporarily unfit.

4. In that view of the matter, we had called upon Mr. Mishra, learned CGSC for the respondents to examine the position.

5. Today, Mr. Mishra has handed over across the Bar, and also provided to Mr. Pandey, the detailed findings of the SMB and the AMB.

6. From the perusal thereof, that the impression of the petitioner that he had been declared only temporarily unfit by the SMB is seen to be incorrect. The SMB and the AMB have concurrently found the petitioner to be unfit as he suffers from DDD.

7. Mr. Pandey, submits that, even in the phase of such concurrent findings, his client is entitled to be examined by a Review Medical Board.

8. There is no material on record on the basis of which this submission can be sustained. Mr. Pandey has not drawn our attention to any statutory, quasi-statutory or executive provision, or instruction, which would entitle the petitioner to claim a right to a Review

³ “DDD”, hereinafter



2025:DHC:7785-DB



Medical Board even in the face of concurrent findings by the SMB and the AMB.

9. In that view of the matter, the material on record does not make out a case for issuance of notice.

10. We accordingly dismiss this writ petition.

11. However, this shall not preclude the petitioner from reviving this writ petition, by means of an appropriate application, in the event the petitioner is able to produce materials to indicate that, even after concurrent findings of the SMB and the AMB, the petitioner is entitled to a Review Medical Board.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 4, 2025/ng