



2025:DHC:6713-DB



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

+ **W.P.(C) 7643/2025, CM APPL. 34081/2025**

SANDEEP

.....Petitioner

Through: Mr. Ajit Kakkar, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Arti Bansal, SPC with Ms.
Shruti Goel, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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07.08.2025

C. HARI SHANKAR, J.

1. The petitioner applied for the post for recruitment as Navik (GD) in Indian Coast Guard, following the CGEPT¹ 01/25. He appeared at both stages of the aforesaid examination. The results of the examination were declared on 28 March 2025. He thereby became eligible to appear in stage III of the examination, which was conducted on 18 April 2025 at Orissa.

2. During Stage III of the examination, the petitioner was medically examined at INS Chilika. He was declared unfit on the ground as he was suffering from Bilateral Tympanic Membrane Perforation.

¹ Coast Guard Enrolled Personal Test



3. The petitioner appeared for an Appeal Medical Examination at INHS Chilika.

4. The writ petitioner asserts that the result of the Appeal Medical Examination was not made known to the petitioner. Accordingly, the writ petitioner, relying on an opinion obtained from the Safdarjung Hospital, submits that he does not suffer from Bilateral Tympanic Membrane Perforation.

5. We had called upon learned Counsel for the respondents to produce before the Court the results of the Appeal Medical Board.

6. Ms. Aarti Bansal, learned Counsel for the respondents has produced the said Appeal Medical Board report before us and a copy has been given to Mr. Ajit Kakkar, learned Counsel for the petitioner.

7. We find that the Appeal Medical Board has concurred with the Detailed Medical Examination and held the petitioner to be unfit for recruitment on account of Bilateral Tympanic Membrane Perforation.

8. Where there are concurring opinions of the Detail Medical Examination and the Appeal Medical Board, this Court has consistently held that no right for a fresh medical examination exists, even if the candidate has the opinion from another hospital in his favour. We may refer, in this context, the judgment of this Court in ***KM. Priyanka v UOI***² which has been followed by us in ***Staff***

² 2020 SCC OnLine Del 1851



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***Selection Commission v Aman Singh*³.**

9. In that view of the matter, we cannot accede to the prayer of the petitioner for him being referred to a fresh medical examination based on the opinion of the Safdarjung Hospital.

10. The petition is accordingly dismissed.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

AUGUST 7, 2025/at

³ 2024 SCC OnLine Del 7600