



2025:DHC:11572-DB



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

+ W.P.(C) 8962/2024 & CM APPL. 36623/2024-Dir.

ARMY NO. GH-409 RAVI TOMAR, RETDPetitioner
Through: Mr. Manoj Kumar Gupta, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Amit Tiwari, CGSC with
Ms. Ayushi Srivastava, GP, Mr. Ayush
Tanwar, Mr. Arpan Narwal and Mr.
Kushagra Malik, Advs. with Major Anish
Muralidhar.
Ms. Avshreya Pratap Singh Rudy, CGSC
with Ms. Usha Jamnal, Ms. Prajna Pandita
and Ms. Nyasa Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

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17.12.2025

C. HARI SHANKAR, J.

1. Though several issues have been raised in this writ petition, at the end of the day, the dispute has narrowed down to the issue of whether the petitioner, who seeks enrolment in the Indian Army, can be permitted to be so enrolled given his medical condition.

2. In view thereof, we do not deem it necessary to burden this order with a recital of any other facts.

3. The petitioner, who was part of the Army Boys Sports



Company¹ sought, after reaching the requisite age for recruitment, to be recruited in the Army.

4. He was denied recruitment on two grounds. One was that the petitioner had himself, in writing, declined to join the Army. The second was that he was medically disqualified, as he had a hairy naevus on his left arm which was larger than the maximum permissible size as per the applicable medical guidelines.

5. We have seen the report of the medical examination of the petitioner. There is concurrence of opinion that the petitioner had a hairy naevus on his left hand which was 8 x 2 cm in size. The report of the Review Medical Examination, to the said effect has been placed on record by the respondents.

6. The applicable medical guidelines specifically state that the presence of a naevus would not be a medical disqualification, provided the naevus is less than 1 cm in size.

7. Mr. Gupta, learned Counsel for the petitioner has earnestly sought to contend before us that the petitioner has during his tenure in the ABSC, served in very difficult conditions with no complaint whatsoever. He submits that the naevus is merely a birthmark which does not impede in the efficient discharge of his duties as an officer of the Army. He has also placed reliance, in this context, on the judgment of a learned Single Judge of the High Court of Rajasthan in *Ashok*

¹ "ABSC", hereinafter



***Dukiya v. Union of India*².**

8. In the case of recruitment to the armed forces, or even to the paramilitary forces, satisfaction of medical criteria is of the essence. The criteria have been stipulated keeping in mind the best interests of the armed forces. No Court can compromise on these criteria or these guidelines.

9. The guidelines which have been placed on record by the respondents specifically state that possession of a naevus would not be a disqualification only if it is less than 1 cm in size. The petitioner's naevus is 8 x 2 cm and is, therefore, larger than the prescribed size.

10. In the case of *Ashok Dukiya*, a learned Single Judge of the High Court of Rajasthan granted relief because the applicable guidelines for recruitment to the Central Armed Police Forces and Assam Rifles, which was issued before the High Court, further required that the naevus would not impede in efficient discharge of training/duties.

11. Mr. Gupta has not been able to draw our attention to any similar stipulation which would apply in the case of entry into the Army, with which we are concerned.

12. In that view of the matter, as the petitioner is not medically qualified for recruitment to the Indian Army, we are not in a position to grant any relief.

² 2021 SCC OnLine Raj 2195



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13. The writ petition is, accordingly, dismissed with no order as to cost.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 17, 2025/gunn