



2025:DHC:5185-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8697/2025 & CM APPL. 37260/2025
R ARCHITH SAIPetitioner
Through: Mr. Ajit Kakkar, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Syed Abdul Haseeb, CGSC

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **02.07.2025**

C. HARI SHANKAR, J.

1. The petitioner is an aspirant to the Flying Branch of Navy. He was suffering from inguinal hernia. His case is that he was duly operated for the ailment and is under the process of recovery.

2. According to the averments in the writ petition, the recovery normally takes about eight weeks, however, within six weeks of surgery, the petitioner was examined by a medical board and found unfit for appointment.

3. Mr. Kakkar, who appears for the petitioner, submits that the petitioner had filed an appeal to the Appeal Medical Board but that the outcome of the Appeal Medical Board has not been communicated to the petitioner in writing, though he was verbally informed that he was



cleared on all other counts except the continuance of the inguinal hernia. He submits that this was because sufficient time for recovery from the surgical procedure had not been granted.

4. Mr. Kakkar also draws our attention to a notification issued in connection with the Air Force Common Admission Test (AFCAT-02/2024) for Flying Branch. He submits, on instructions that these identical instructions apply to the Navy. He has referred us to Clause 20(g) of the said Instructions which reads thus:

“20. Gastrointestinal System

(g) Hernia. Hernial sites are to be examined for presence of inguinal, epigastric, umbilical and femoral hernia. Any abdominal wall hernia is unfit. A candidate with a well-healed surgical scar, after 06 months of either open or laparoscopic repair (Anterior Abdominal wall hernia-24 weeks), is considered fit provided there is no evidence of recurrence and the abdominal wall musculature is good.”

5. Mr. Haseeb, under instructions, submits that, without entering into the merits of the dispute, and keeping in mind the Instructions to which Mr. Kakkar has drawn our attention without treating the present case as a precedent, the respondents are willing to subject the petitioner to a Review Medical Board. He, however, submits that the petitioner should be agreeable to comply with the result of the Review Medical Board and treat it as binding.

6. Mr. Kakkar, on instructions, agrees to the said submission.

7. Accordingly, without entering into the merits of the dispute, we dispose of this writ petition with a direction to the respondents to



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conduct a Review Medical Board and consider the petitioner's case for fitness to join, consequent to the Air Force Common Admission Test (AFCAT-02/2024).

8. We make it clear that we have not expressed any opinion on the merits of the case and that the outcome of the Review Medical Board would be binding on both the parties.

9. Mr. Kakkar, on instructions, is agreeable to the Review Medical Board being held on 5 July 2025.

10. The respondents will inform Mr. Kakkar, learned Counsel for the petitioner, about the place and time where his client would have to report for the Review Medical Board.

11. The Review Medical Board would proceed on the basis of the condition of the petitioner as it is today.

12. The writ petition is disposed of in the aforesaid terms.

13. Let a copy of this judgment be given *dasti* to learned Counsel for the parties under the signature of the Court Master.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JULY 2, 2025/dsn

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