



2025:DHC:9244-DB



\$~56

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4596/2022**
NIDHI PARIHARPetitioner
Through: **Ms. Deepika Sheoran, Adv.**

versus

UNION OF INDIA & ORS.Respondents
Through: **Mr Sandeep Tyagi, SPC with**
Mr. Surinder Kumar, Advs.

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

JUDGMENT (ORAL)

% **16.10.2025**

C. HARI SHANKAR, J.

CM APPL. 65255/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

REVIEW PET. 523/2025

3. This review petition seeks review of our judgment dated 27 August 2025, to the extent we dismissed WP (C) 4596/2022.
4. The petitioner was invalided out of service on medical grounds. She challenged the said decision before this Court. It was sought to be



contended that the seizure disorder which was the basis of the petitioner being invalided out of service developed after she had joined military service and that, therefore, it could not constitute a ground to invalid her out of service.

5. On seeing the record, we found that there was a specific entry by the medical specialist who examined the petitioner, to the effect that she had similar episodes in childhood. We, therefore, were of the view that the disorder could not be said to be one which had emerged after the petitioner had joined military service and that the petitioner was not, therefore, entitled to so contend.

6. Now, the petitioner has changed Counsel and has filed this review petition.

7. At the outset, we informed Ms. Deepika Sheoran who appears for the petitioner that it is not proper for one counsel to argue the main writ petition and for another counsel to argue the review petition and that the Supreme Court has also critically commented on this aspect. Nonetheless, she persisted in arguing the matter.

8. We have accordingly heard her.

9. Ms. Deepika Sheoran first submitted that there is no medical record to the effect that the petitioner had suffered similar episodes of seizures in childhood. The submission is obviously incorrect.

10. We may reproduce, in this context, the medical record which so



2025:DHC:9244-DB



observes, thus:

“Diagnosis Opinion of MR 06981L Lt Col RAJEEV SAXENA of CHAF -illegible- Med Splc Neurologist dt 9/4/14.

Date Disability EPILEPSY

Onset 16/3/14

Present Med Cat A4G1

H/o Present illness

25 year old young officer presented with repeated episodes of loss of consciousness once on 16/3/2014 & IInd 23/3/14.

1st episode — 16/3/14- After Holi there was afternoon roll call she felt uneasy & fainted.

IInd episode — 23/3/14 — after the act of micturition, She fell down unconscious. Eye witness saw stiffness of body. Later cold limbs & was taken to hospital.

IIIrd episode — 3/4/14 was studying on chair & she fell unconscious. -illegible- stiffness of body. -illegible-

No H/o fever, UTI, diarrhea, abnormal fainting, urine or bladder inconstistence. After sleep was normal.

Past History

She had similar episodes in childhood. She was admitted for breathing difficulty was evaluated at CTC Pune & was given steroid which she says improved her partially.”

11. Clearly, therefore, the medical record reveals that the petitioner did suffer similar episodes in childhood.

12. Ms. Sheoran then seeks to rely on certain submissions contained in the counter affidavit of the respondents and in her declarations at the pre-enrolment stage.



2025:DHC:9244-DB



13. We fail to understand how these can constitute a basis for us to disbelieve a medical record which specifically pertains to the petitioner.

14. This review petition is, therefore, clearly an attempt at a second bite at the cherry, after changing Counsel.

15. We accordingly dismiss this review petition with costs of ₹ 15,000/-, to be paid to the Delhi High Court Legal Services Authority by way of a demand draft, within a period of four weeks from today.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

OCTOBER 16, 2025

dsn