



\$~43

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

Date of decision: 12.03.2025

+ W.P.(C) 3149/2025
ARUN NAGAR

.....Petitioner

Through: Mr.L.B. Rai & Ms.Akanksha
Rai, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Nune Balraj, SPC with
Ms.Meghna Rao, Mr.Harshit
Goel & Mr.Vivek, GP.
Mr.Ravinder Agarwal,
Mr.Manish Kumar Singh &
Mr.Vasu Agarwal, Advs. for
UPSC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the findings of the Medical Board dated 02.12.2024, and the Review Medical Board dated 03.12.2024, which declared the petitioner 'unfit' for appointment to the post of Assistant Commandant in the Central Armed Police Forces pursuant to the advertisement dated 24.04.2024. The petitioner has been declared 'unfit' for appointment by the Medical Boards on the grounds of him being suffering from '*Right Eye Central Corneal Opacity*'.



2. The learned counsel for the petitioner, placing reliance on the Medical Examination Report dated 29.12.2023, submits that in the recruitment exercise of the year 2023 for the CPFs Assistant Commandant Examination-2023, the petitioner had been declared medically 'fit' by the respondents itself. He further submits that the petitioner has also got himself examined at the RD Gardi Medical College, Ujjain, as also at the All-India Institute of Medical Science, New Delhi, which, by their reports dated 30.12.2024 and 07.02.2025 respectively, declared the petitioner 'fit', finding no corneal opacity. He submits that, in these circumstances, the petitioner deserves to be granted another opportunity to be examined by a medical board afresh.

3. Issue notice.

4. Notice is accepted by Mr.Nune Balraj, the learned counsel on behalf of the respondents.

5. He submits that merely because the petitioner was declared 'fit' for appointment in the previous recruitment process of the year 2023, it cannot be a sufficient cause to cast a doubt on the medical reports for the current recruitment process of the year 2024.

6. He further submits that the reports of the Private and Government Hospitals cannot be relied upon, as the petitioner had visited these hospitals for a routine check-up without informing them that these reports would be used for challenging the reports of the medical experts for recruitment in the Armed Forces.

7. He further submits that the report of the AIIMS indicates that for the left eye of the petitioner, it had been opined that there is no



corneal opacity, but an issue was found in the right eye of the petitioner, as was the case by the Medical Boards of the respondents.

8. We have considered the submissions made by the learned counsels for the parties.

9. At the outset, we would reiterate the settled law that the reports of the Medical Boards for recruitment in the Armed Forces cannot be challenged only because a contrary report is later obtained from a Private or a Government hospital. The medical standards that are required and on which the Medical Board for recruitment to the Armed Forces is conducted, are very stringent, as these personnel on recruitment have to perform their duty in harsh and uncompromising terrains, climates and conditions.

10. In the present case, there is a consistent opinion from both, the Medical Board and the Review Medical Board, that the petitioner suffers from '*Right Eye Central Corneal Opacity*'. Merely because the petitioner in the recruitment process of 2023 was declared 'fit' for appointment, cannot be a valid reason to challenge these reports as it may have been developed only later or may have escaped attention in the previous medical board.

11. As far as the report from the AIIMS is concerned, there is clearly an opinion confined only for the left eye not suffering from Corneal Opacity. As far as the right eye of the petitioner is concerned, the same clearance report has not been given by the AIIMS. In fact, it appears that the AIIMS has also found an issue with the right eye as would be evident from the portion of the report.



2025:DHC:1683-DB



12. In any case, the petitioner had appeared before these hospitals not informing that these reports were required to challenge the medical reports of the Medical Boards of the Armed Forces recruitment process; but had, which had tested him for recruitment to the Armed Forces. He had reported before these hospitals for a routine check-up. As noted above, the standards applicable for recruitment to armed forces is more strict and stringent. Therefore, the reports from the private hospitals and even from AIIMS, in the present case, are not sufficient to doubt the reports of the Medical and Review Medical Board.

13. Accordingly, we do not find any merit in the present petition. The same is dismissed.

NAVIN CHAWLA, J

HARISH VAIDYANATHAN SHANKAR, J
MARCH 12, 2025/rv/DG

Click here to check corrigendum, if any