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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on: 13.04.2026

Judgment delivered on: 04.05.2026

Judgment uploaded on: *As per Digital Signature~*

+ **LPA 595/2023**

CAPT AMIT KUMAR YADAV

.....APPELLANT

versus

UNION OF INDIA & ORS

.....RESPONDENTS

Advocates who appeared in this case

For the Appellant : Mr. Sanjeev Kumar and Mr. Anshul Sehgal,
Advts.

For the Respondents : Ms. Anjana Gosain, Ms. Akansha
Choudhary and Ms. Shreya Manjari, Advts.
for R1 and R2.
Ms. Charul Sarin, Adv. for R3.
Mr. Amit Kumar Mishra, Mr. Azeem
Samuel, Ms. Mitakshara Goyal, Mr.
Vaibhav Kharbanda, Mr. Shivam Goel, Ms.
Shrijeta Pratik, Advts. for R4.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

V. KAMESWAR RAO, J.

1. This *intra court* appeal lays a challenge to the order dated 11.07.2023 passed by the learned Single Judge whereby the learned Single Judge has dismissed the writ petition filed by the appellant challenging the orders



dated 04.12.2017 and 18.07.2018 (impugned orders) passed by the Joint Director General, Director General of Civil Aviation and Director General of Civil Aviation (respondent no. 2) respectively. *Vide* the Impugned Orders, the pilot license of appellant was suspended for a period of three months as per Regulation 8.1 of Civil Aviation Requirement (CAR) for testing positive for blood alcohol content in pre-flight breath analyzer test (BA Test).

2. The appellant is a pilot employed with Tata SIA Airlines Ltd. (hereinafter respondent no. 4/Vistara), which is running its Airline by the name of 'Vistara Airlines'. The appellant was scheduled to operate a flight bearing No. 'UK 720' on 18.11.2017 from Kolkata to New Delhi, along with his senior, Captain Gurpreet Nijjer (hereinafter Capt. Nijjer). The estimated time of departure of the said flight was 07:10 am, so the reporting time of the petitioner was scheduled at around 06:00 am on 18.11.2017 at the Kolkata Airport.

3. The appellant reported at the Kolkata Airport and contacted paramedic nurse at 06:11 am for pre-flight breath analyser test as per the Regulations provided under CAR. The appellant was tested positive in the BA Test. The equipment used for conducting BA Test showed a reading of 0.004% alcohol in the blood of appellant.

4. The case of appellant as put forth by Mr Sanjeev Kumar is that he had not consumed any alcohol, sedative, narcotic or any stimulant drug. So, he was stunned when he got to know that his BA test was found positive. Between the first and second BA test, a control test was conducted on Capt. Nijjer as provided in CAR. After a while, a second BA test was conducted on the appellant which also turned out to be positive. Again, the equipment showed a reading of 0.004% blood alcohol content in blood of the appellant.



It is thereafter, the appellant was asked by Vistara Airlines to submit his pilot license for necessary action and he was also removed from flying roster following the procedure under the CAR.

5. The case of appellant is that after being removed from flying roster, he immediately visited two NABL accredited laboratories to undergo blood and urine tests for detecting presence of blood alcohol as he was apprehending that the equipment used for conducting BA Tests was prone to making errors. According to the appellant, the tests conducted were negative and the appellant sent an e-mail dated 21.11.2017 at 10:54 am to the Vistara Airlines informing them that he had undergone blood and urine tests at two NABL certified laboratories to prove his innocence. It was the case of the appellant that the concerned officials of the Vistara Airlines sent the letter dated 22.11.2017 to the Joint Director General and Director of Air Safety of DGCA respectively whereby they requested them to consider the BA test result of the appellant as negative, in view of the negative result of the blood and urine test of the appellant. It follows that the Vistara Airline suspended the appellant from his official duty for a period of three months w.e.f., 18.11.2017 to 16.02.2018, *vide* letter dated 23.11.2017.

6. Mr Kumar stated that as no reply was received from DGCA to representations dated 22.11.2017, the Vistara Airline on behalf of the appellant prepared a representation/appeal dated 30.11.2017 before the Joint Director General of DGCA. The request was made that the appellant may be allowed to fly again and his license may not be suspended as the equipment manufactured on which the BA test was conducted was prone to errors and the negative results of blood and urine test also indicated that there was no alcohol in the blood of the appellant.



7. Suffice to state, the appeal of the appellant was also dismissed *vide* order dated 18.07.2018, pursuant to a personal hearing granted to the appellant on 25.06.2018. The case of the appellant before the learned Single Judge was relying upon the results of blood and urine test conducted by two NABL accredited laboratories and by also contending that the test conducted in those laboratories are more reliable in comparison with the BA test. It was also contended that the DGCA has not controverted to the results of blood and urine test, neither in the impugned orders nor in its counter affidavit.

8. It was also the contention that the positive result in BA test was a false positive, which had occurred due to error in the equipment by which BA test was conducted. It was stated that the operating manual of equipment used for conducting BA Test itself states that there is a possibility of error to the maximum extent of 5 mg/ 100 ml i.e., 0.005%.

9. The case of the appellant was also the procedure which had been followed for undertaking the BA test was not proper, inasmuch as a control test was needed to be done as per Regulation 6.5 of CAR between the first BA test and second BA test. It was alleged that the control test which was conducted on Capt. Nijjer was not conducted properly since it is provided in the operating manual of equipment used for conducting BA test that the minimum exhale volume for a successful test must be 1.0 litre, but in the case of Capt. Nijjer, the exhale volume was only 0.79 litre. So, the exhale volume blown in the equipment was less, but the equipment did not show any error which raises a serious question on the working of the equipment.

10. The case was also that as per Clause 4.1 of CAR, which is in consonance with Rule 24 of the Aircraft Rules, 1937, the same clearly states that there should be no blood alcohol in breath, blood or urine analysis of a



pilot / new member. This means that the blood and urine tests analysis can also be conducted for checking blood alcohol content. A reference has been given to a similar policy for conducting two BA tests in the Indian Railways.

11. It is also stated that the Indian Railways stopped conducting second BA test and instead of it, they resorted to medical examination of subject person before issuing a penalty charge sheet. A reference is also made to the Aviation Laws and permissible blood alcohol content in UK and USA. To this the case of the respondent/DGCA was that the DGCA has adopted CAR in compliance with the international standards set for Civil Aviation. It was stated that ICAO is an International body which has set out some International standards and recommended practices for civil aviation. Every country, which is a signatory to the Chicago Convention is bound to follow these international standards and recommended practices. It is also stated that India does not tolerate any negligence from pilots or other crews.

12. A reference was also made to the fact that the European Aviation Safety Agency (EASA) does not permit a pilot to fly if more than 0.02% alcohol content is found in his blood in the BA tests. In other words, it is the submission of Ms.Anjana Gosain that these countries allow certain level of alcohol in blood of pilots but the DGCA, which is the governing body of civil aviation in India, does not allow even 0.001 % alcohol in blood of pilots before flying.

13. On the other hand, Ms Anjana Gosain, learned counsel appearing on behalf of the respondents made a reference to the CAR which has been made under Section 5 of the Aircraft Act, 1934. It was stated by her that the Rule 24 of the 1937 Rules prohibits any operating member of crew, including pilot, from consuming any psychoactive substance, whether on flight or



before flight. It was submitted that the CAR has been issued by DGCA under Rule 133A of 1937 Rules so as to ensure compliance of the Rule 24. The rules have been amended from time to time. As per CAR, 2015, which was in force at the time of incident i.e. on 18.11.2017, it was mandatory for every pilot to undergo the pre-flight BA test.

14. The respondent nos.1-3 contested the case of the appellant, that the blood and urine tests should be mandatorily done before each flight by stating that the same is neither feasible nor practical. It was the case of the DGCA, as per CAR, it is not mandatory to conduct blood and urine tests of a pilot before every flight. It is usual practice that blood and urine tests of a pilot are only conducted when an accident takes place. It was also the case of respondent nos.1-3 that a lot of challenges would arise for Airlines if DGCA mandates that blood and urine tests also have to be conducted before every flight. The very first challenge before the Airlines would be to create infrastructure at every Airport where such blood and urine tests would have to be conducted. These tests would have to be conducted by a third party and not by the staff of Airlines since, then, there could be chances of allegations or disputes against the Airlines or vengeance or foul play by them.

15. It was also stated as alcohol was detected in BA test, the same was a sufficient ground to put the pilot off the flying roster and for initiating necessary action against him. The DGCA has represented that BA tests are reliable. The stand of the respondents was also that procedure of 2nd test to be mandatorily conducted when the 1st test comes to be positive and control test in between the 1st and 2nd test has also been placed so as to make the BA test completely reliable and remove any possibility of error. So, we find that the Airlines also appeared before the learned Single Judge and supported the



impugned action. The learned Single Judge has by legally analysing the provisions of the CAR and also the factual aspects concluded as under:-

“47. To rebut these contentions, Ms. Anjana Gosain, learned counsel for DGCA stated that there was no error in the equipment and the said fact can be corroborated by the fact that other crew members of Vistara Airlines, who had reported at that Airport on the same day, had also undergone BA Test using the same equipment only and no other person complained of such false positive. It was her contention that if the equipment was faulty, there would have been several complaints on that day itself. She further stated that the procedure of control test and second BA Test as provided in CAR is enacted so as to rule out any possibility of error made by the equipment used for measuring blood alcohol content of crew members. Therefore, she stated that there was no error in the equipment and the Petitioner was having blood alcohol content on the day of the incident which was rightly measured by the equipment.

48. This Court first needs to adjudicate that whether the results of blood and urine tests undergone by Petitioner can be relied upon or not. It was submitted by learned counsel on behalf of Petitioner that DGCA has not controverted the results of blood and urine tests neither in its Counter Affidavit nor at the time of final arguments. It is true that the counsel for DGCA did not controvert the results of blood and urine tests during the arguments. Even Vistara has not controverted the results of blood and urine tests in its affidavit but, it has been stated in its affidavit that the same cannot be relied upon because any test results subsequent to the BA Tests conducted at Airport are irrelevant.

49. This Court is quite convinced with the averment of Vistara since the presence of blood alcohol content



at the time of reporting at Airport before the flying duty, has to be checked as per CAR. So, it is mandatory that the blood alcohol content at that time must be zero as stipulated in CAR. Also, on conjoint reading of Para 4.3 and Para 6.1 of CAR, it is clear that Airlines/operators have been imposed with the duty to conduct pre-flight BA tests of pilots, crew members and maintenance personnel before each flight. Thus, since the duty of conducting pre-flight BA Tests is upon the operator, so the blood and urine tests, which were undergone by the Petitioner himself, without any direction or reference from the operator/Vistara Airlines and which were not conducted by Vistara, results of such tests cannot be considered by this Court. DGCA also rightly did not rely upon them. If these blood and urine tests would have been conducted by Vistara, then in that case, these results might have been considered by this Court in favour of the Petitioner, but, since the Petitioner himself had undergone the same without any such reference or direction of Vistara, the same cannot be considered by this Court under any circumstance.

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51. Be that as it may, this Court is not inclined to grant benefit of maximum margin error to the Petitioner. The reason for not granting benefit of margin of error is twofold. Firstly, it is observed that the procedure provided in Para 6.5 of CAR rules out the possibility of any error by the equipment. Para 6.5 of CAR states that in case positive result is obtained in a pre-flight BA Test, then a second test has to be conducted after an interval of 15-20 minutes. It further states that during this interval of 15-20 minutes, the crew member is allowed to wash his face and rinse his mouth, if so desired by him. It also lays down that a control test needs to be done between the first test and second test so as to verify



the serviceability and correctness of the equipment. Thus, this procedure is sufficient to rule out any possibility of error by equipment. In view of the same, it is observed by this Court that the equipment cannot provide the same result after a gap of 15-20 minutes if it was faulty. The outcome of same result in the second BA Tests, after conducting a control test in between, ensures that there was no error in the equipment. If there would have been an error in the equipment then it is very unlikely that the equipment would have shown the same result i.e. 0.004% during both the BA Tests. Secondly, Ms. Gosain had rightly pointed out at the time of arguments that several tests had taken place on the same date from the same equipment and if the equipment would have been faulty or making errors, then there would have been other complaints too in this regard.

52. The Petitioner's repeated claim was that the results of BA Tests were false positives and that is why no blood alcohol content was found in his blood and urine tests. In this regard, learned Counsel for Petitioner drew the attention of this Court to Email dated 27.02.2018 which is addressed from Vistara to all its pilots. It was claimed by learned counsel for Petitioner that in the said Email, Vistara had admitted the fact of increase in false positives by the equipment manufactured by Respondent No.3 and due to this reason Vistara stopped using that equipment. This Court has perused the Email dated 27.02.2018. It states that false positive results were found on use of new model of Tayal Tech - Alcotruth and it was decided that use of this model of Tayal tech would be stopped completely. It has further been stated in the Email dated 27.02.2018 that Vistara had been using Respondent No.3's manufactured equipments since the inception and the number of false positives were very few in last three years. These miniscule numbers of false positives were seen



in all Airlines using equipments of different manufacturers. It was also written in the said Email that in order to cater to these false positive results, the DGCA had incorporated robust positive test confirmation procedure in CAR. Moreover, Mr. Akshat Hansaria, learned counsel for Vistara had also submitted that Vistara had used Tayal Tech T1100 equipment for conducting BA Tests of Petitioner. He had further submitted that Respondent No. 3 had stopped production of this equipment, so in order to bring uniformity in the equipment being used by Vistara pan India, Vistara stopped use of the said model. On a perusal of this Email and considering the submissions made by learned counsel for Vistara, it is clear that Vistara was talking about some other model manufactured by Respondent No. 3 in the said Email and not about the model which was used for conducting BA Tests of Petitioner. Thus, reliance of Petitioner upon this email is futile since it does not support his case. Rather, this Email supported the contention of DGCA that CAR has a procedure to rule out false positives or any other error by the equipment being used for conducting BA Tests.

53. Another contention of Petitioner is that the Vistara Airlines should have also conducted the blood and urine tests of the Petitioner. It was further his contention that blood and urine tests should particularly be done when a crew member tests positive in BA Tests. It is his contention that the Vistara Airlines itself knew about the number of false positives which occur on use of the equipment manufactured by Respondent No. 3, so blood and urine tests of subject persons should also be conducted. On the other hand, Ms. Anjana Gosain, learned counsel for DGCA in her response submitted that as per CAR or Rule 24 of 1937 Rules, it is not mandatory for an operator/airline to conduct all three tests i.e. breath, blood and urine analysis. It



was her contention that the word “or” has been used in Rule 24 of 1937 Rules and thus, if the operator is only conducting pre-flight BA Tests, then that is also sufficient and there is no need to conduct blood or urine tests. It was further her contention that the usual practice is that the blood and urine tests would be conducted in a case of accident.

54. As observed above, CAR has been issued under Rule 133A of 1937 Rules for compliance of Rule 24 of 1937 Rules. Rule 24 clearly states that there shall be no detectable blood alcohol in breath, blood or urine analysis of a crew member. Thus, in terms of Rule 24, blood alcohol content should not be found in any of the analysis. So, as per Rule 24, it is not mandatory to do every analysis and any one mode of analysis will suffice. The CAR imposes a duty upon the operator of only conducting BA Tests before every flight. The CAR does not lay down anywhere the duty upon the operators to conduct blood or urine tests before each flight. Rather, only Para 10.1 of CAR imposes duty upon Officer-in-Charge of Airport to conduct blood, urine tests, etc. of crew members in the case of accidents. So, the contention of Petitioner that his blood and urine tests should also have been done does not hold water. Further, this Court also does not uphold the contention of Petitioner that DGCA gave a wrong finding in Impugned Order dated 18.07.2018 that there is no provision in CAR for undertaking blood test. A perusal of CAR shows that it only imposes duty upon operator to conduct BA Test and not blood or urine tests and hence, there is no error in the finding of DGCA. Nonetheless, this Court is exercising the jurisdiction under Article 226 of the Constitution of India under the present Petition and is not exercising its jurisdiction as a Court of Appeal, so it cannot adjudicate upon every finding of DGCA in the Impugned Order and can only set aside or modify any perversity or material irregularity in the



Impugned Orders.

55. As far as the other contention of Petitioner is concerned that in view of cases of false positive results, blood and urine tests of a crew member should be conducted when he or she obtains a positive result in BA Test, it also does not hold ground in view of CAR. As stated above, the CAR only imposes duty upon the operators/ airlines to conduct pre-flight BA Tests and does not put any obligation upon the operator to conduct blood and urine tests in case of positive results in BA Tests. Further, this Court agrees with the arguments made by Ms. Gosain that conducting blood and urine tests at an Airport before every flight will not be practical and feasible. The Airlines will have to create infrastructure at every Airport from wherever they operate for conducting blood and urine tests of crew members. This will add additional cost on the operations of Airlines which will further burden them unnecessarily. Thus, in view of this Court, considering the infeasibility and impracticality of conducting blood and urine tests at Airport by operators, CAR does not anywhere put an obligation upon operator to conduct blood and urine test and that is why it only talks about BA Tests. In fact, in the incidents of accidents also, the duty is not of the operator to conduct blood and urine tests, but the duty is imposed upon the Officer-in-Charge of Airport to conduct these tests. With regard to the aspect of false positive, CAR already has laid down procedure so as to eliminate the possibility of false positives. At the cost of repetition, it is reiterated that Para 6.5 of CAR states that in case positive result is obtained in a pre-flight BA Test, then a second test has to be conducted after an interval of 15-20 minutes. It further states that during this interval of 15-20 minutes, the crew member is allowed to wash his face and rinse his mouth if so desired by him. A



control test also needs to be done between the first test and second test so as to verify the serviceability and correctness of the equipment. Thereafter, second test will be done in presence of a witness. Thus, there are sufficient precautionary measures provided in CAR so as to safeguard the crew members against the unfortunate false positive results of BA Tests. In view of this, this Court is of the opinion that this procedure rules out the possibility of false positives to the maximum extent. In the present case, each and every step laid down in CAR was followed ideally by Vistara Airlines and thus, the possibility of false positive results is ruled out. Further, the Petitioner has not challenged CAR in the present Petition, so the contention of Petitioner that blood and urine tests should be conducted when positive result is obtained in BA Test cannot be entertained in the present Petition as it will be out of scope of the present Petition when the provisions of CAR have not been challenged before this Court.

56. The Petitioner further claimed that the procedure as prescribed in CAR was not duly followed since the control test was not done properly and hence, the whole procedure got vitiated. It was the argument of Mr. Sanjeev Kumar, learned counsel for Petitioner that as per the operating manual of equipment, which was used for conducting BA Test, the minimum exhale volume should be 1.0 litre, but the exhale volume in the control test of Capt. Nijjer was only 0.79 litre. Thus, the control test was not done properly as all the instructions mentioned in operating manual of equipment were not followed. This Court is not satisfied with this argument of the Petitioner. It is the view of this Court that the whole purpose of conducting a control test was to verify the serviceability of the equipment and the same was verified when the equipment provided a result of 0.000% in the control test even when only 0.79 litre



exhale volume was input into the equipment. If the equipment would have been faulty or would have been making any error, then it would have given a positive result in the control test also. But, since the result of the control test was 0.000% only, it in turn verified the serviceability of the equipment. Thereafter, second BA Test of Petitioner was conducted, which again gave the same result as the result of first BA Test i.e. 0.004%. As pointed out earlier, if there would have been any error in the equipment then 0.000% output would not have been generated in control test and then same output of 0.004% would not have been generated in second BA Test. Thus, this miniscule default from the instructions provided in operating manual of equipment will not help the case of the Petitioner.

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60. It is apprehension of Petitioner that he will be prejudiced if he again becomes victim of false positive results of pre-flight BA Tests and that is why he is pursuing the present Writ Petition. As stated hereinabove, CAR stipulates a procedure which is capable of ruling out false positives. Thus, if any false positive will occur in future, then due to the procedure laid down in CAR, the same will be ruled out by way of second BA Test and control test. Further, it is also imperative to note that the present Petition is pending since almost 5 years and no such incident of false positive has occurred with the Petitioner pendente lite. Thus, there are meager chances that as alleged, any such incident of false positive will take place with Petitioner in future.

61. Thus, the prayers sought in the present Petition cannot be granted to the Petitioner in view of the fact that he reported for his flying duty in violation of provisions provided in CAR and 1937 Rules. This Court is of the opinion that his license was rightly suspended by DGCA for 3 months following the



punishment provided in Para 8.1 of CAR. The job of a pilot is a job of responsibility. When he is on duty, he is carrying responsibility of the lives of the passengers and crew members on board of his flight. Any minute error by pilot can turn into a major accident within seconds. Due to this huge responsibility, CAR stipulates the permissible amount of blood alcohol content as “zero”. The Petitioner should have whole heartedly followed the provisions of CAR and should not have reported for duty after consuming alcohol. In view of the observations made hereinabove, this Courts finds no reason to interfere with the Impugned Orders, hence, the present Petition is dismissed. No order as to costs.”

16. Even before us, the counsel for the parties have made identical submissions as were advanced before the learned Single Judge. We are of the view that the conclusion drawn by the learned Single Judge which we have reproduced above, actually answers all the contentions raised by the appellant before us. The conclusion drawn by the learned Single Judge can be summed up as under:-

- i) Any test result subsequent to the BA test conducted at the airport is irrelevant. The presence of blood alcohol content has to be checked as per CAR. It is mandatory that the blood alcohol content at that time must be zero as stipulated in CAR. On a conjoint reading of paras 4.3 and 6.1 of the CAR, the airline/operators have been imposed with the duty to conduct pre-flight BA tests of pilots and crew before each flight. So, the blood and urine tests which were undergone by the appellant himself, without any direction or reference from the operator/Vistara airlines and which were not conducted by



Vistara, cannot be considered by the Court.

- ii) DGCA has also rightly not relied upon the blood and urine test results conducted after the BA test was found positive. If these blood and urine tests would have been conducted by Vistara, then in that case, these results might have been considered in favour of the appellant. But it is not such a case.
- iii) The plea of that the equipment had a possible maximum margin error of $\pm 0.005\%$ cannot be accepted for the reasons that firstly, the procedure provided in Para 6.5 of CAR rules out the possibility of any error by the equipment. Secondly, in a case positive result is obtained in a pre-flight BA test, then a second test has to be conducted after an interval of 15-20 minutes during which the crew member is allowed to wash his face and rinse his mouth, if so desired by him. It also lays down that a control test needs to be done between the first test and second test so as to verify the serviceability and correctness of the equipment. Hence, the procedure is sufficient to rule out any possibility of error by equipment.
- iv) Several tests had taken place on the same date, from the same equipment, and if the equipment would have been faulty or making errors, then there would have been other complaints in that regard, but no complaint had been received.
- v) The only duty imposed upon operator is to conduct BA test and not blood or urine test. Even the false positive results were found on use of new model of Tayal Tech Alcotruth and it was decided that use of this model of Tayal Tech would be stopped



completely. Vistara had been using respondent no.3's manufactured equipments since the inception and the number of false positives were very few in last three years. The reference made in the e-mail was not about the model which was used for conducting the BA test of the appellant. Thus, the reliance placed by the appellant on the e-mail to show that there were high numbers of false positive cannot be accepted.

17. Having noted the above reasons on which the learned Single Judge has not found merit in the petition, we also note that the learned Single Judge has also observed the scope of judicial review in a matter of this nature under Article 226 of the Constitution of India, to hold that it cannot adjudicate upon every finding of the DGCA in the impugned orders, except when such orders are highly perverse or there is material irregularity in the impugned orders. In the end, the learned Single Judge did answer the apprehension expressed by the appellant that he will be greatly prejudiced if he again becomes a victim of false positive results of pre-flight BA test by observing that the same can be ruled out by way of second BA test and control test.

18. We must state that during the course of the hearing, the learned counsel for the appellant had also suggested, in the eventuality, there is a false positive, efforts must be made by the operator to carry out a urine and a blood test, as according to him, such a blood test is only to obviate any presence of alcohol in the blood/urine, as through medical standards, it has been proved that traces of alcohol remain in urine for at least five days from the date of consumption.



19. It may also be stated that Ms. Gosain did make a submission in that regard which has been noted by the learned Single Judge in paragraph no.28 of the impugned order which we reproduce as under:-

“28. Ms. Gosain further submitted that the contention of Petitioner that blood and urine tests should be mandatorily done before each flight is neither feasible nor practical. It was submitted by Ms. Gosain that as per CAR, it is not mandatory to conduct blood and urine tests of a pilot before every flight. It is usual practice that blood and urine tests of a pilot are only conducted when an accident takes place. It was stated that a lot of challenges will arise for Airlines if DGCA mandates that blood and urine tests are also have to be done before every flight. She stated that the very first challenge before the Airlines will be to create infrastructure at every Airport where such blood and urine tests will be conducted. These tests will have to be conducted by a third party and not by the staff of Airlines since, then, there could be chances of allegations or disputes against Airlines or vengeance or foul play by Airlines. The Airlines will have to make such an infrastructure so as to ensure that there is no delay in collecting samples of blood and urine as even delay of 5 minutes can affect the outcome of test. The airlines will have to create cold storage facility so as to store samples of blood of pilots, which will later be sent to laboratories for testing/analysis. It is further stated that these tests being conducted before every flight will also impact the health of pilots and will also make them more vulnerable to diseases being spread through use of syringes. It is neither economically nor operationally feasible to have blood testing facility at each and every Airport, helipad or temporary helipad etc. Citing all these primary challenges, Ms. Gosain stated that even after creating such infrastructure, there will be chances that the result of blood and



urine tests might get compromised, so due to these reasons, DGCA has not made mandatory blood and urine tests of pilots before every flight.”

20. This Court does not have the necessary expertise to comment on the submissions made by the learned counsel for the appellant. It is for the respondents to consider the pleas as advanced by the counsel for the appellant as we find that presence of alcohol has serious consequences including suspension, grounding of the pilot and eventually cancellation of the license of the pilot. The consequences being serious, it is for the respondents to decide whether such a procedure can be followed at the specific request of the pilot on the spot, so that a pilot is not imposed with serious penalties, even if, in a given case, he has not consumed alcohol and has become a victim of a false positive.

21. We find no merit in this appeal. Accordingly, the same is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MAY 04, 2026/rk