



\$~2

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 31.07.2023

+ **W.P.(C) 9761/2023 & CM APPL. 37461/2023**

PRASHAN KUMAR Petitioner

versus

UNION OF INDIA AND OTHERS Respondents

Advocates who appeared in this case:

For the Appellant: Mr. Brijesh Yadav, Ms. Nikita and Mr. Sandeep Yadav, Advocates.

For the Respondents: Mr. Adit Khurana and Ms. Archana Surve, Advocates with Dr. Narendra, CMO.
Mr. Hemendra Singh, DC (Law), BSF

CORAM:-

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE MANOJ JAIN**

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of the Detailed Medical Examination result dated 05.06.2023 and the Review Medical Examination report dated 07.06.2023.
2. Learned counsel for the petitioner submits that the petitioner has been rejected *inter-alia* on the ground of 'Hypertension and Hemorrhoids'. It has also been contended that "*the Revised Uniform Guidelines for review in medical examination in Central Armed Police*



Forces and Assam Rifles for GOs and NGOs" dated 31.05.2021 have not been followed in this regard.

3. Learned counsel for petitioner further submits that as per the *Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles*, mere presence of Hemorrhoids is not a disqualification. However, Hemorrhoids, internal or external, with bleeding is a disqualification. He submits that the medical board has not opined that there is any bleeding.

4. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

5. With the consent of the parties, the petition is taken up for final disposal.

6. Reference may be had to the abovesaid guidelines prescribed for the Review Medical Board which, inter-alia, reads as under:

"7(e) For candidates who have been rejected on the ground of hypertension/tachycardia should have been admitted/hospitalized by the Board before giving their final opinion regarding the candidate's fitness or otherwise. The hospitalization report should indicate whether the rise in blood pressure is of transient in nature due to excitement etc. or whether it is due to any organic disease. In all such cases X-Ray and electro-cardiographic examinations of heart and blood examinations like cholesterol/lipid profile, S. Creatinine etc. tests should also be carried out."

xxxx

xxxx

xxxx

xxxx

3 (f) (iii) Ano-rectal

1. *Evidence of anal fistula is disqualifying.*



2. *Evidence of anal or rectal polyp, prolapse, stricture, or fecal incontinence is disqualifying.*
3. *Hemorrhoid (internal or external), with evidence of bleeding, disqualifying.*
7. It is not in dispute that petitioner has been declared 'unfit' on the ground of hypertension as well. It is also not in dispute that petitioner was not hospitalized by the Review Medical Board prior to giving final opinion. The Medical Board, as per the guidelines, should have also ascertained as to whether the rise in blood pressure was transient in nature due to excitement, etc. or whether it was due to an organic disease, as required by the guidelines.
8. Since the guidelines have clearly not been followed, the opinion rendered by the Review Medical Board cannot be accepted. Accordingly, the findings of the Review Medical Board are set aside. The respondents are directed to constitute a fresh Review Medical Board which shall examine the petitioner, *inter-alia*, in accordance with the guidelines dated 31.05.2021. Since the petitioner is being sent for re-examination because of the non-compliance of guidelines for review medical board in respect of hypertension, we deem it expedient to direct that the petitioner be also examined for Hemorrhoids and the board should also opine as to whether the same is an outright disqualification in terms of *Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles* or only if it is accompanied with bleeding.
9. The Review Medical Board be constituted within a period of two weeks from today with at least four days' advance notice to the



petitioner.

10. The petition is disposed of in the above terms. It would be open to the petitioner to avail of further remedies, if aggrieved by any further decision of the Review Medical Board.

SANJEEV SACHDEVA, J

JULY 10, 2023/NA

MANOJ JAIN, J



प्रधानमंत्री राज्यपाल