



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: January 31, 2024

+ W.P.(C) 1370/2024

(54) SHUBHAM MALIK

..... Petitioner

Through: Mr. Abhay Kumar Bhargava with Mr. Satyaarth P. Sinha, Advocates
versus

UNION OF INDIA & ORS. Respondents

Through: Ms. Shagun Shahi Chugh, Mr. Varun Chugh, Ms. Anjali Tiwari, Advocates
SI Prahalad, SI Amit Kumar and SI Zishan Hashim**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE SAURABH BANERJEE****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed by the petitioner with the following prayers:

It is, therefore, humbly prayed that this Hon'ble Court may please to allow this writ petition and may further be please to:

a. Issue a writ of mandamus or any other appropriate writ, order or direction, thereby directing medical examination of the petitioner by medical board of an independent hospital to examine whether the petitioner is suffering from Inguinal Hernia and whether the petitioner is fit for duties.

b. Issue a writ of Certiorari or any other appropriate writ, order or direction, thereby quashing the opinion of the Review Medical Board dated 02.01.2024 as well as opinion



of the Medical Board whereby the Petitioner has been found unfit for service on the ground of Inguinal Hernia.

c. Pass any other order in the interest of Justice

2. In substance, the petitioner is challenging the conclusion drawn by the Medical Board/Review Medical Board, wherein he has been diagnosed to be suffering from *Inguinal Hernia*. In support of his submission, learned counsel for the petitioner has drawn our attention to the result of the Medical Examination of the petitioner conducted at P L Sharma District Hospital, Meerut, U. P, which is a Government hospital in the State of U.P, to contend that the Doctor therein has stated that there is no *Left Inguinal Hernia. Petitioner is fit for duty*.

3. Without commenting on the conclusion drawn by the Medical Board/Review Medical Board, we deem it appropriate, in the facts of this case, to refer the petitioner to Army Hospital (Research and Referral) ('RR Hospital', in short), New Delhi. The R. R. Hospital shall constitute a Medical Board consisting of an Assistant Surgeon of Grade-1 or a Surgeon, above the said grade, which shall undertake the Medical Examination of the petitioner to consider as to whether the petitioner is suffering from *Inguinal Hernia (Left side)*. The Examination shall be conducted within four weeks from today and the R. R. Hospital shall give an advance notice of four days to the petitioner informing him the date and time, for his presence. The report shall be submitted to the respondent/Authority in the CISF, being Dy. Inspector General (Recruitment), Central Industrial Security Force, Block No. 13, C.G.O. Complex, Lodhi Road, New Delhi-110003, who shall consider the report and proceed in accordance with law.



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4. With the above terms, the petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 31, 2024/akr