

**Court No. - 4**

**Case :-** WRIT - A No. - 5945 of 2024

**Petitioner :-** Anshika Tripathi

**Respondent :-** Union Of India Thru. Secy. Home Affairs New Delhi And 2 Others

**Counsel for Petitioner :-** Umesh Chandra Vishwakarma, Hukum Singh

**Counsel for Respondent :-** A.S.G.I.

**Hon'ble Rajesh Singh Chauhan, J.**

**1.** Heard Sri Umesh Chandra Vishwakarma, learned counsel for the petitioner and Sri S.B. Pandey, learned Senior Advocate as well as the Deputy Solicitor General of India assisted by Sri Varun Pandey, learned Advocate for the opposite parties.

**2.** By means of this writ petition, the petitioner has prayed for the following reliefs:-

*"(i) to issue a writ, order or direction in the nature of certiorari calling the record of the case and quashing the medical examination result of the petitioner dated 14.06.2024 is medically unfit having "Personality Disorder" declared by the Medical Board i.e. opposite party No.3 for the post of Head constable (Communication) SSB/ ASIHC/CT (NON GD) 2023, the Advertisement dated 09.05.2023 to contained as Annexure No.1 to this writ petition.*

*(ii) to issue a writ, order or direction in the nature of mandamus commanding the Respondents Authorities treating the petitioner as medically fit in the medically examination for the post of Head Constable (Communication) SSB/ASIHC/CT (NON GD) 2023, pursuant to the Advertisement dated 09.05.2023 and selection and appoint her finally for the said post, in pursuance of the select list.*

*(iii) to issue a writ, order or direction in the nature of mandamus directing the Respondent Authorities to medical examination fairly taken medical examination conducted and medical test conducted at medical college and any Government Hospital."*

**3.** Learned counsel for the petitioner has stated that despite the fact that the petitioner is perfectly fit to be appointed on the post of Head Constable (Communication) in SSB and she qualified the aforesaid examination but she has been declared unfit by the Medical Board. Thereafter, the authority got her appeared before the Review Medical Board and as per the Review Medical Board, the present petitioner is unfit to be appointed on the aforesaid post on account of her ailment in the name of "due to multiple hesitation cut marks present on left forearms /

conduction permanently disorder."

4. Sri S.B. Pandey, learned Senior Advocate has stated that if any candidate is declared medically unfit, he/ she may be produced before the Review Medical Board but if the Review Medical Board declared him/ her as medically unfit indicating specific ailment, there is no provision to re-review of the medical examination and no direction may be issued for Re-medical Examination of that candidate by any expert agency.

5. Learned counsel for the petitioner could not produce any rule or case law to show that after being declared unfit by the Medical Board and the Review Medical Board considering any peculiar circumstances the candidate may be medically examined again.

6. Therefore, I do not find any infirmity or illegality in the impugned order as the petitioner could not establish her legal right to get the direction in her favour under Article 226 of the Constitution of India.

7. Accordingly, the instant writ petition is ***dismissed***.

**[Rajesh Singh Chauhan,J.]**

**Order Date :- 31.7.2024**

Suresh/