

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE SUBODH ABHYANKAR****ON THE 6th OF MARCH, 2024****WRIT PETITION No. 2751 of 2024****BETWEEN:-**

**LOKENDRA RAWAT S/O RAMESH RAWAT,
AGED ABOUT 22 YEARS, OCCUPATION:
STUDENT R/O VILLAGE PALI PAMARI
BADAUNI KHURD DISTT. DATIA (MADHYA
PRADESH)**

.....PETITIONER***(SHRI SUYASH PRAPANNA, ADVOCATE)*****AND**

- UNION OF INDIA DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE**
- 1. RECRUITMENT BOARD, BLOCK NO. 1 C.G.O.
COMPLEX LODHI ROAD NEW DELHI 110003
(DELHI)**
 - 2. PRINCIPAL / INSPECTOR GENERAL OF
POLICE CENTRAL TRAINING COLLEGE,
CENTRAL RESERVE, POLICE FORCE,
NEEMUCH (MADHYA PRADESH)**
 - 3. CHIEF MEDICAL OFFICER (S.G.) 41ST
BATTALION, CENTRAL RESERVE POLICE
FORCE, CENTRE AT GC, CENTRAL
RESERVE POLICE FORCE, NEEMUCH
(MADHYA PRADESH)**

.....RESPONDENTS***(SHRI HIMANSHU JOSHI, DEPUTY SOLICITOR GENERAL).***

*This petition coming on for order this day, the court passed
the following:-*

ORDER

- 1. This petition has been filed by the petitioner under Article 226**

of the Constitution of India seeking following relief:-

“(a) Issue a writ of certiorari by quashing/setting aside the impugned medical certificate dated 12/12/2020 in the Detailed Medical Examination and dated 15/12/2023 in the Review Medical Examination where in the petitioner was declared medically unfit.

(b) Issue a Writ of Mandamus by directing the respondents to consider the case of the petitioner treating him medically fit as per the medical tests reported by the petitioner.

(c) Any other directing or relief which this Hon’ble Court may deem fit.”

2. The grievance of the petitioner is that he has been disqualified by the respondents Review Medical Examination conducted in the process of recruitment for the post “Assistant Sub Inspector (Steno)/Head Constable (Ministerial)” by the respondent no.3, Chief Medical Officer of Central Reserve Police Force, Neemuch.

3. In brief facts of the case are that the petitioner appeared for the post of Assistant Sub Inspector (Steno)/Head Constable (Ministerial)” notified by the Central Reserve Police Force, Recruitment Board in which the petitioner was successful in shorthand typing test. However, in his medical examination which took place on 12/12/2023, he could not get through as his candidature was rejected on the ground “Unfit due to TSH (Thyroid Stimulating Hormones) Irregularity” and “Irregular Heart Beat and Abnormal Heart Sound”), and the petitioner was also recommended to apply for Review Medical Examination which took place on 15.12.2023, and was again declared unfit with the following observation “Sub Clinical Hypothyroidism (TSH

7.01MIU/L)” “Sinus bradycardia” & “Low Pansystolic Murmur” and a detailed medical report was also provided to the petitioner which is placed on record.

4. The grievance of the petitioner is that when he got himself examined in the government hospitals, he was found fit, and no such abnormality which was detected by the respondents was found in the test reports of the Government Hospital Datiya and Gajra Raja Medical College, Gwalior. The petitioner also got an opinion from the department of Gajra Raja Medical College, Gwalior regarding his cardiological health. Thus, the petitioner’s contention is that since he has already been found to be fit by the Government hospitals/ Medical Colleges, his candidature ought to have been accepted by the respondents, and for this purpose he had also sent a representation but the same has not been decided.

5. Counsel for the petitioner has submitted that the petitioner is being deprived of his right to be inducted in the Armed Forces arbitrarily. It is submitted that when the Review Medical Examination of the petitioner took place, there was no subject specialist, and thus the Review Medical report is vitiated. It is submitted that the petitioner has not obtained the aforesaid certificates regarding his health from any private institute but from Government agency, and, in such circumstances the respondents may be directed to consider the reports given by the government doctors/agency.

6. Prayer is opposed by respondents by filing a reply. It is contended by the respondents that the petition is misconceived and is liable to be rejected. It is submitted that once the Review Medical Board report has been obtained, it cannot be challenged by the petitioner as same is binding on the petitioner. It is submitted that if the petition is entertained, it would open flood gates of such petitions before this Court despite the fact that the petitioner was given a fair opportunity to get himself examined through Review Medical Board.

7. Counsel for the respondents has submitted that the respondents have acted professionally and have no personal interest in acceptance or rejection of the candidature of the petitioner. It is further submitted that the report of Review Medical Examination is final and needs no interference.

8. In support of his submission Shri Himanshu Joshi, learned counsel for the respondents has relied upon various decisions rendered by various High Courts. In the case of K.M.Priyanka Vs. Union of India reported as 2020 SCC OnLine Del 1851, Ankush Kumar Singh Vs. Union of India (WPA.No.20775/2023) by the Calcutta High Court, Shivam Singh Vs. Union of India (Writ - A.No.14858/2023) by the Allahabad High Court, Satish Yadav Vs. Union of India (Writ -A.No.15829/2023) by the Allahabad High Court, Kusha Bharati Vs. Union of India (Writ -A.No.17059/2023) by the Allahabad High Court, Ms. Sabyasachi Chatterjee Vs. Union of India (WPA.No.25048/2023) by the Calcutta High Court, Koushik Gayen Vs. Union of India (WPA.No.20911/2023) by the

Calcutta High Court, Abhijit Patra Vs. Union of India (WPA.No.22127/2023) by the Calcutta High Court, Shahbaj Khan Vs. Union of India (Writ-A.no.15248/2023) by the Allahabad High Court, Vinay Kumar Vs. Union of India(Writ -A.No.15788/2023) by the Allahabad High Court, Vikas Kumar Vs. Union of India and others (Writ-A.No.15335/2023) by the Allahabad High Court, Sikha Sarkar Vs. Union of India (WPA.No.20599/2023) by the Calcutta High Court, Shivam Vs. Union of India and others (CWP.No.17486/2023) passed by Punjab and Haryana High Court, holding that the review medical examination is final after first medical examination is carried out, and the Court's interference in such matters has been denied.

9. Whereas, counsel for the petitioner in rebuttal has submitted that this Court may also direct to the respondents to carry out the medical examination once again and if it is found that the petitioner is fit, he may be inducted in the service.

10. In support of his submission counsel for the petitioner has placed reliance upon the judgment passed by the High Court of Jammu and Kashmir And Ladakh at Jammu in the case of **Sunil kumar Vs. Union of India and others in SWP No.2108/2016 dated 21.2.2023.**

11. Heard learned counsel for the parties and perused the record.

12. From the perusal of record it is apparent that the facts of the case are not disputed, and the only grievance of the petitioner is that his candidature has been rejected on the basis of Review Medical

Examination report wherein he has been found to be unfit for the job.

13. It is found that both the medical reports of the petitioner are adverse and various abnormalities have been found in his health's parameters, in such circumstances, merely because the petitioner has obtained positive report from Government Medical colleges, Government hospital etc., it cannot be said that the respondents have erred twice while examining the petitioner. In the considered opinion of this court, it may also be a case of different interpretation of health parameters of the petitioner by the different authorities, but without the intervention of the third party/agency, that has to be left to the discretion of the Respondents CRPF only, who have the competent and requisite system/infrastructure to verify the same.

14. In such circumstances, there is no substance in the petition, and the same being devoid of merits is hereby dismissed, however, the petitioner should not be disheartened by his rejection by the respondents, because life is always full of opportunities, and there is always a better opportunity waiting for you around the corner to be grabbed.

15. Accordingly, **the petition stands *disposed of*.**

(SUBODH ABHYANKAR)

JUDGE

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