



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CWP-8065-2020 (O&M)

Date of decision: 01.04.2025

Manjinder Singh Bajwa

...Petitioner

Versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Mukesh Tomar, Advocate for the petitioner(s).

Mr. Sunil K. Sharma, Sr. Panel Counsel,
for respondent(s)-UOI.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present writ petition is to the result dated 12.02.2020 i.e. Enrolment Medical Examination, whereby the respondents declared the petitioner unfit for enrolment in the Indian Navy. A further prayer has been made for constitution of an independent review medical board to conduct a fair and transparent medical examination of the petitioner and to allow the petitioner to join the Indian Navy, in case he is declared to be fit by the independent/review medical board.

2. Counsel for the petitioner contends that the petitioner appeared for the Senior Secondary Recruit (SSR), Feb. 2020 Batch in Indian Navy. He passed the written exam and was issued a call up letter for Physical Fitness Test and Preliminary Medical on 15.11.2019 at Jalandhar. He was declared pass in Physical Fitness and Preliminary Medical and was called for final Medical Examination. The petitioner was informed that he was provisionally selected and certain other tests were to be conducted at INS Chilka. He reports to INS Chilka on same day and was asked to report to INHS Kalyani where he was declared unfit but appeal Medical Board found



him unfit whereas he has no difficulty of any nature and deserves his appointment.

3. Learned counsel appearing on behalf of the respondent(s)-UOI contends that the aforesaid factual aspects are not in dispute and that during the medical examination held on 12.02.2020, the petitioner was declared temporary unfit for 'Bony Spur-Post operation, Right foot'. He was then referred for Specialist opinion to INHS Nivarini, where Graded Specialist (Surgery) declared the candidate unfit for the same reason. The medical examination revealed 4x0.5 cm linear scar on medical aspect of right foot due to an operation done in 2015. X-ray dated 12.02.2020 revealed well healed fracture Navicular bone with implant in situ.

4. The petitioner was thereafter provided with a chance to appeal against the decision of the Primary Medical Examination within 21 days at INHS Kalyani. During the Appeal Medical Examination, the petitioner was examined by Graded Specialist, Orthopedics on 02.03.2020 at INHS Kalyani and declared unfit for "Fracture Navicular bone Right Operated with implant in situ". It is averred that the petitioner has been examined thrice by different sets of Specialist Medical Officers, who has consistently graded him as 'UNFIT' due to the said disability. Reliance was also placed on para 4 (d) of Appendix 'A' of the Navy Order (Spl) 01/2008 as per which any Skeletal deformity, either hereditary or acquired and disease or impairment of function of bones of joints are criteria for rejection during recruitment. It was thus concluded that the subsistent disability of the petitioner would deter him to perform the required physical activities during training and he might



develop “stress fracture” while undergoing training, thus, he cannot be enrolled with the Indian Navy.

5. There is no material on record, on the basis whereof it can be held that the reasons given by the respondents in the order dated 15.03.2021 are incorrect or not born out from a correct understanding of the medical condition of the petitioner. The selection pertains to the years 2019 and a period of nearly six years has elapsed since then. The recruitment process has also undergone a change thereafter and the Agniveer Scheme is now in place.

6. In the totality of facts and circumstances of the case and noticing that there is no evidence or medical literature adduced by the petitioner that the ‘Bony Spur-Post operation, Right foot with implant in situ’, would not have any impact on the physical capabilities of the petitioner and would not compromise with the fighting capabilities on warships/submarines/aircraft etc., I find that powers of this Court in judicial review would be restricted. This Court cannot sit as a Court of Appeal against the decision(s) taken by the Subject Experts unless there is any other convincing medical record/medical literature available to counter that the conclusions drawn by the Subject Experts are misconceived and not sustainable.

7. **The writ petition is accordingly dismissed at this stage.**

**(VINOD S. BHARDWAJ)
JUDGE**

01.04.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No