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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CWP-436-2021 (O&M)
Date of Decision: 28.07.2025.**

DEEPAK

...Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

...Respondent(s)

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

Present: Mr. B.S. Beniwal, Advocate, and
Ms. Suman Beniwal, Advocate,
for the petitioner.

Mr. Sunil Kumar Sharma, Senior Panel Counsel,
for the respondents/UOI.

VINOD S. BHARDWAJ. J (ORAL).

Challenging the Medical Certificate dated 06.11.2020 and order dated 04.12.2020 passed by the Appeal Medical Board whereby the petitioner was found to be medically unfit, the instant writ petition has been filed.

2 Learned counsel appearing on behalf of the petitioner contends that consequent upon the applications invited by the respondents

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in September 2020 for the posts of Airmen Group 'X' (Technical) for intake 1/2021 for the recruitment rally to be conducted in Ambala, the petitioner qualified the written examination on 18.10.2020 and thereafter also qualified the physical test for the said post, he was, however, declared medically unfit by the Medical Board on the following grounds: -

“SUBSTANDARD VISION BOTH EYES

OVERWEIGHT

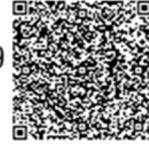
CVS REVIEW

*DNS (RT) WITH COMPENSATORY TURBINATE
HYPERTROPHY.”*

3 The petitioner preferred an appeal before the Appeal Medical Board which set aside the three grounds noticed by the Medical Board and held the petitioner to be medically unfit only on account of 'CVS Review (HTN) vis 'hypertension.'

4 Learned counsel submits that the petitioner also got himself medically examined at Civil Hospital, Bhiwani on 07.12.2020 but no hypertension was reported on medical examination by the Senior Medical Officer, General Hospital, Bhiwani. A second opinion was also obtained by the petitioner from PGIMS, Rohtak and a third opinion from a private hospital in Bhiwani which all concurred with the said report. A prayer was thus made that re-medical examination of the petitioner be conducted to ascertain the medical fitness of the petitioner.

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5 Learned counsel for the respondents, however, contends that the recruitment process has already been concluded and the petitioner having failed to clear the medical test, the appointment cannot be offered to him. He emphatically submits that blood pressure of the petitioner was on a higher side and beyond permissible limits during medical examination. It is also argued that the petitioner has no subsisting or accrued right to seek appointment in Air Force as such fresh consideration can only be done as per the Agnipath Scheme and the case of the petitioner deserves to be dismissed.

6 Learned counsel for the respondents was questioned as to what medical jurisprudence is required to be adhered to before a variance in blood pressure can be labelled as an ailment of ‘hypertension.’ He has not been able to refer to any such medical literature or practice.

7 It is also undisputed that three different medical examination conducted by Civil Hospital, PGIMS, Rohtak as well as a private Physician have all reported the petitioner to be fit and not suffering from ‘HTN.’

8 The results of the experts themselves being conflicting, it thus would rather be in the fitness of things that a fresh re-examination be got conducted for fairness.

9 Counsel for the respondents has also been confronted with the judgment of this Court passed in the matter of **Nikhil Sharma Vs Union of India and others bearing CWP No.5398-2020 decided on**

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28.04.2025. He is not in a position to dispute that under similar circumstances, the petitioner therein was referred for re-examination at the Army Hospital (Research and Referral) New Delhi for the ECG abnormality.

10 Under the given circumstances, taking into consideration the facts that the petitioner has been ousted from consideration solely on the basis of CVS (HTN) and the basic medical jurisprudence for reporting a spiked-up blood pressure to be a case of hypertension has not been referred to in light of conflicting reports and also noticing that the subsequent medical examination conducted by the Civil Authorities, does not show any hypertension.

11 Thus, under the given circumstances, it is deemed appropriate to direct the respondents to re-examine the petitioner at Command Hospital (Western Command), Chandimandir, Panchkula, for determining whether the petitioner fulfils the medical conditions prescribed for induction in the respondent Indian Air Force. The petitioner shall appear before the Command Hospital (Western Command), Chandimandir, Panchkula, on 02.09.2025 or on such other date(s), as may be suitably fixed thereafter and conveyed to the petitioner.

12 It is also made clear that the parties shall remain bound by the aforesaid medical report and in the event petitioner fails to appear before the Medical Board on the date fixed or on the date as communicated, no further opportunity for such medical re-examination shall be granted. The Medical Board shall also examine the petitioner on all other medical parameters and

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in case any other ailment is diagnosed or contracted during the intervening period, they would be at liberty to take an appropriate decision on the basis thereof.

13 Needless to mention that in the event of the petitioner being found eligible and fit, the consequential benefits shall be restored notionally w.e.f. the date when such benefits were given to other persons and actually from the date of appointment. The process be however completed within 04 months of the date fixed for medical examination above.

14 In view of the aforesaid, the instant writ petition is allowed.

July 28, 2025
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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