



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of decision: January 19, 2024

+ W.P.(C) 796/2024 & CM APPL. 3432-3433/2024

(29) AJAY BUDANIYA

..... Petitioner

Through: Mr. Pankaj Mehta, Mr. R. K. Mehta,
Ms. Shweta Soni, Ms. Akansha
Singh, Mr. Bhavya Kohli and
Mr. Rohan Prakash, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Manish Kumar, Sr. PC with
Mr. Vedansh Anand, GP for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 3432/2024

Allowed, subject to just exceptions.

Application disposed of.

W.P.(C) 796/2024 & CM APPL. 3433/2024

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

“i. Issue a writ order, or direction in the nature of mandamus or any other appropriate writ, thereby directing Respondent No.3 to quash the Review Medical Examination Report dated 21.12.2023;

ii Issue a writ order, or direction in the nature of mandamus or any other appropriate writ to Respondents to reconstitute the



Review Medical Examination Board for the Petitioner in consonance with the applicable guidelines;

iii. Issue a writ order, or direction in the nature of mandamus or any other appropriate writ to Respondent No.3 to take the opinion of concerned specialists or super specialists of Govt. Medical College and Hospital;

iv. Issue a writ order, or direction in the nature of mandamus or any other appropriate writ to Respondent No.3 to call for the records of the Petitioner regarding the ECG and ECHO tests;

v. Pass any such/further orders or directions as this Hon'ble Court deems fit in the interest of justice."

2. In effect, the petitioner is challenging the Review Medical Examination Report dated December 21, 2023, whereby, the petitioner has been declared unfit on the ground that he is suffering from hypertension and tachycardia.

3. Mr. Manish Kumar appears for the respondents and submits that as in terms of orders passed by this Court in different petitions with regard to similar ailments, the petitioners therein have been referred to a further Review Medical Board and hence similar order can be passed in this petition. Noting the submission made and in view that the ground urged by the petitioner that as per the regulations / guidelines before a final opinion is given by the Review Medical Board, the candidate should have been hospitalised for observation and it is a conceded case that the said regulations / guidelines were not followed in this case, the report of Review Medical Board dated December 21, 2023 is set aside.

4. The respondents are directed to constitute a fresh Review Medical Board which shall examine the petitioner *inter alia* in accordance with the regulations / guidelines dated May 31, 2021. The Review Medical Board



shall be constituted within two weeks from today and at least four days advance notice be issued to the petitioner.

5. It is made clear that, if the petitioner is found fit by the freshly constituted Review Medical Board, further action shall be taken in accordance with rules. It goes without saying, if the petitioner is aggrieved by any order passed to his prejudice, he shall seek such remedy as available in law. The petition is disposed of.

CM APPL. 3433/2024

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 19, 2024/ds