

Naresh Kumar Vs Union of India

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Court : Delhi

Decided On : Jul-14-2010

Judge : Ms. Gita Mittal ; Mr. J.R.Midha, J J.

Appeal No. : WP (C) No.4592/2010 & CM No.9083/2010

Appellant : Naresh Kumar

Respondent : Union of India

Advocate for Def. : Mr. Madan Gera, ; Mr. Ashok Singh, Advs.

Advocate for Pet/Ap. : Ms. Rekha Palli, ; Ms. Punam Singh, ; Ms. Amrita Prakash, Advs.

Judgement :

1. Whether reporters of local papers may be allowed to see the Judgment? No
2. To be referred to the Reporter or not? No
3. Whether the judgment should be reported in the No Digest?

ORDER (Oral)

1. The present petitioner had applied for appointment to the post of Constable (Bigular) in September-October, 2009. He is stated to have succeeded in the physical test, trade test and the written test which was conducted during the recruitment process. However, the petitioner was declared medically unfit by an

order passed on 9th March, 2010 on the ground that his X-Ray depicted Bilateral Apical Reticulonodular Opacity also in mid lung zone. Placing reliance on his medical examination by the Department of Medicine in the Safdarjung Hospital. The petitioner made a prayer to the respondents for conduct of a review medical board.

2. The petitioner's request has been rejected by the impugned order dated 12th April, 2010 by the respondents on the sole ground that the application for the review medical board was belated.

3. Having regard to the afore-noticed facts and circumstances, we are of the view that interests of justice merit that the petitioner's prayer for review medical board deserves to be considered on merits and ought not to be rejected on the sole ground that the same had been received belatedly. The petitioner has disputed the delay. However, for reasons of expediency and in the interest of justice, we are not going into the rival contentions on this issue.

4. Accordingly, we issue a direction to the respondents to consider the petition dated 18th March, 2010 of the petitioner making a prayer for a review medical board on merits and pass an order thereon within a period of six weeks. Further action shall be taken by the respondents in accordance with the decision which is taken thereon.

5. A request is made by learned counsel for the petitioner that having regard to the fact that the petitioner is located in a small village in district Jhunjhunu, Rajasthan, the order which is passed by the respondents on the petitioner's prayer for a review medical board, be communicated upon her office to enable her to inform the petitioner. This request is reasonable and is accepted.

6. The respondents are directed to communicate the order which is passed on the petitioner's request for review medical board to the office of the learned counsel at the address disclosed in the present petition. This writ petition and application are allowed in the above terms. Copy of this order be given dasti to the parties.