

LPA-690-2020 (O&M)

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

(236)

LPA-690-2020 (O&M).
Date of Decision:-23.05.2022.

Union of India and others

.....Appellants

Versus



.....Respondent

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Anil Chawla, Advocate for the appellants.

Mr. Harish Bhardwaj, Advocate for the respondent.

G.S. SANDHAWALIA, J. (Oral)

The present appeal is directed against the order of the learned Single Judge dated 22.07.2022 passed in CWP-10274-2020. The learned Single Judge had directed to conduct a fresh medical examination of respondent by constituting a Medical Board at All India Institute of Medical Sciences or Command Hospital Hissar or PGIMER, Chandigarh or at the Army Hospital Research and Referral Institute or any other institute and if found medically fit, then he would be given the benefit of his earlier selection and deputed for training, in accordance with law.

The writ petitioner was challenging the order dated 04.02.2020 (Annexure P-7) whereby he had been found unfit for enrolment in the Navy during the medical examination by the Enrolment Medical Officer as well as by the Classified Specialist. The reason as such for his unfitness that he has a single testicle and on that account he had been declared unfit.

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There is nothing on record to show that the same disability is such of that kind which would come in his way for serving the Indian Navy. Neither the said order shows that by virtue of that genetic defect as such, the writ petitioner would not be in a position to serve the Indian Navy. Therefore, the directions passed by the learned Single Judge do not suffer from any illegality. The said rejection order (Anneuxre P-7) was passed on 04.02.2020. The appellant thereafter on that account had also got his operation done on 11.02.2020 and it was found that it was a case of undescended testes on the right side and the surgery of Orchiopexy was successful by which the said testicle was moved into the scrotum.

In such circumstances, we are of the considered opinion that the learned Single Judge was justified as such in ordering the re-examination by the Medical Board and no prejudice has been caused to the Union of India.

Accordingly, the present appeal is misconceived and is dismissed.

Let the needful be done within a period of three months from the date of receipt of a certified copy of this order.

Pending application(s), if any, shall also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

May 23, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No