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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14717/2024**
SHEDALE SANDEEP GORAKSHAPetitioner
Through: Mr.Avineesh Amit Jha, Adv.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr.Bhagvan Swarup Shukla,
CGSC with Mr.Rahul Kumar
Sharma, GP.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **21.10.2024**
CM APPL. 61835/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. At the outset, the learned counsel for the petitioner prays for leave to file certain additional documents.
3. The petitioner is granted permission to file the additional documents within a week from today, after supplying copies thereof to the learned counsel for the respondents in advance.
4. By the present petition, the petitioner challenges the Order dated 02.02.2024 passed by the Commandant (Personnel)-II, rejecting the representation of the petitioner against the Termination Order dated 04.08.2023 passed by the respondent no.5, whereby the petitioner has been terminated from service by observing therein that the petitioner had failed to qualify the 'Basic Recruit Training Course'



(in short, 'BRTC) within a period of two years from the date of his appointment, thereby making him liable for termination from service.

5. It is the case of the petitioner that the petitioner, while being on training at the BRTC, had suffered a severe lower back injury on 29.09.2021. He has since been undergoing treatment for the same because of which he could not complete the training within the given period.

6. The learned counsel for the petitioner submits that a Medical Board for examination of the petitioner was not constituted by the respondents as per the S.O.P 83/2014 dated 16.04.2014.

7. Issue notice.

8. Notice is accepted by Mr.Bhagvan Swarup Shukla, learned counsel, on behalf of the respondents. He shall take specific instructions on whether the petitioner will be subjected to an examination by a Medical Board and, if so, the opinion of the Medical Board shall be produced before the Court on the next date of hearing.

9. If it is the case of the respondents that the petitioner was not to be examined by a Medical Board, an affidavit of a competent officer explaining the reason for the same, shall be filed by the respondents at least a week in advance of the next date of hearing.

10. List on 5th December, 2024.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 21, 2024/rv/SJ

Click here to check corrigendum, if any