



IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2820/2024

Reserved on: 09.02.2026

Pronounced on : 13.02.2026

Uploaded on : 13.02.2026

Whether the operative part or full
judgment is pronounced: Full

Younis Ali

....Petitioners

Through:- Mr. P.N. Bhat, Advocate.

V/s

UOI & Ors

.....Respondents

Through:- Mr. Vishal Sharma, DSGI with
Mr. Sumant Sudan, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

(JUDGMENT)

01. The petitioner, through the medium of the present petition, has sought a direction upon respondents No. 2 to 5 to conduct fresh review medical examination of the petitioner from an independent Medical Board of Ophthalmology Department of Government Medical College Hospital, Jammu or any other Board.

02. The brief facts of the case are that an advertisement notification came to be issued by respondent No. 6 (Staff Selection Commission) on 24.11.2023, inviting applications for



recruitment of Constable (GD) in Central Armed Police Forces (CAPFs), SSF and Rifleman (GD) in Assam Rifles.

03. Pursuant to the aforesaid advertisement notification, the petitioner submitted his application for being considered for appointment to the advertised posts. He was assigned Roll No. 1004023773 and was asked to appear for the examination on 28.10.2024. The petitioner is stated to have passed PTS and PET and he is also stated to have undergone the process of document verification successfully.

04. On 29.10.2024, detailed medical examination (DME) of the petitioner was conducted but he was found suffering from Myopia, Squint and Knock Knee and as such declared unfit for the post. He was, however, given an opportunity to undergo review medical examination. Accordingly, the petitioner underwent review medical examination on 05.11.2024 and this time, he was cleared of Myopia and Knock Knee but was found to be suffering from presence of Squint in his right eye and was found unfit. The petitioner got himself examined by the Ophthalmology Department of Government Medical College Hospital, Jammu where the doctor, after examining him, found that there is no evidence of Squint in his right eye.

05. The petitioner has challenged the impugned action of the respondents in rejecting his candidature on the grounds that he does not suffer from the disability, which has been pointed out by the Review Medical Board and this fact has



been certified by the Ophthalmology Department of Government Medical College Hospital, Jammu. It has been contended that the action of the respondents is patently illegal and arbitrary. Therefore, the Review Medical Examination report dated 05.11.2024 deserves to be quashed. According to the petitioner, he has been casually examined by the doctors at the time of his first medical examination and also at the time of review medical examination. Therefore, the said reports cannot be relied upon.

06. The respondents, in their reply, have admitted the factual aspects of the case so far as they relate to reasons for rejection of the petitioner are concerned. It has been submitted that there is no provision of third medical examination as per the existing medical policy. The respondents have relied upon the directions issued by MHA vide U.O No. I-45023/10/2005-Pers-II dated 24.08.2005 which provides that no appeal against the decision of the Review Medical Board can be entertained. It has been submitted that as per the provisions contained in the advertisement notification, the petitioner cannot be appointed as Constable (GD) in the Central Armed Police Force because he has been declared as medically unfit.

07. The respondents have submitted that because fitness of a soldier is the paramount requirement in a force, as such, the petitioner cannot claim selection after having been declared as unfit. It has been further submitted that the



petitioner has been examined by the specialist and experienced doctors, who are fully conversant with the requirements of the organization, therefore, their opinion cannot be discarded.

08. I have heard learned counsel for the parties and perused record of the case.

09. The main ground on which the petitioner is seeking direction for constitution of a fresh medical board for fresh examination of the petitioner is that the petitioner was examined by the specialists in Ophthalmology Department of Government Medical College Hospital, Jammu and they have declared that he does not suffer from Squint in his right eye. A copy of the Out Patient Card to support this assertion has been placed on record by the petitioner.

10. The question that arises for determination is as to whether on the basis of the opinion recorded by the doctor on the Out Patient Card issued by Govt. Medical College Hospital, Jammu (Ophthalmology Department), the opinion rendered by the Review Medical Board can be discarded or doubted.

11. While analyzing the legal position on the aforesaid issue, Allahabad High Court in the case of **Vivek Kumar Vs. State of U.P., 2020 ADJ Online 0073** has held that subsequent medical examination reports submitted by a candidate cannot override or set at naught the opinion of the medical board. Para Nos. 7, 8, 11 and 12 of the said judgment are relevant to the context and the same are reproduced as under:



“7. The scope of interference in matters relating to assessment of fitness by a Medical Board constituted under the statutory rules in exercise of powers under writ jurisdiction, in our opinion, would be extremely limited.

8. The Courts have, time and again, emphasized the need for caution when candidates seek to assail the correctness of the findings of a Medical Board constituted under a recruitment process adopted by the State authorities, on the basis of some medical report obtained by them.

11. In a case where a recruitment process has been carried out as per prescribed statutory rules where under a procedure has been prescribed for testing the medical fitness of candidates by a duly constituted Medical Board, the report of the Medical Board is not to be normally interfered with, and that too, solely on the basis of a claim sought to be set up by a candidate on the basis of some subsequent report(s) procured by him from a private practitioner(s).

12. It is not the case of the petitioner that the decision of the Medical Board was arbitrary, capricious or not in accordance with the procedure under the relevant statutory recruitment rules.”

12. Again in the case of **Diwakar Paswan Vs. State of U.P, 2021 (0) Supreme (All) 47**, Allahabad High Court has held that opinion of the medical board and experts should not be lightly interfered with unless it is shown to be contrary to the standards prescribed or smacks of malafides. Paragraphs 8 and 9 of the said judgment are relevant to the context and same are extracted hereinbelow:

“8. It becomes pertinent to note that the opinions formed by the Medical and Review Boards have not been assailed by the petitioner on the ground of mala fides. A review of those decisions is sought solely on the basis of a contrary opinion rendered by a doctor of a government hospital. Permitting a reopening of a medical examination conducted by the respondents solely on that basis would set a dangerous precedent especially when the Court by virtue of its inherent limitations would be wholly unequipped to undertake a comparative analysis or evaluation of competing medical opinions. Medical fitness is a subject best



left for determination by experts and should not be lightly interfered with unless it be shown to be contrary to the standards prescribed or otherwise be liable to be assailed on other judicially manageable parameters.

9. Quite apart from the consistent view taken by Courts on this question regard must also be had to the fact that the medical examination in the present case was undertaken in accordance with the provisions made in the statutory rules. Those Rules confer finality upon the opinions formed by the Medical Boards subject to an appeal against the same before a Review Medical Board. Those Rules do not envisage or contemplate a challenge to those reports based upon reports and opinions privately obtained by candidates. Permitting such a course of action would not only be contrary to the Rules which apply and bind the candidate but also result in derailing the recruitment process itself.”

13. From the foregoing analysis of legal position on the subject, it comes to the fore that generally the Review Medical Board's decision in CAPFs selection process is final and cannot be subjected to further review or re-examination by the courts except in exceptional circumstances such as procedural violations or malafides. In fact, the Ministry of Home Affairs vide its memo dated 24.08.2005 has reiterated that there shall be no appeal against the decision of the Review Medical Board. Thus, the opinion of the Medical Board once formed in accordance with the prescribed procedure is conclusive and as such cannot be lightly interfered with. The legal frame work for medical examination in CAPFs recruitment clearly provides that medical board's assessment is final and no appeal can be entertained against the finding of the second medical examination.

14. In the face of the aforesaid legal position, there is hardly any ground for setting aside the opinion rendered by



the Review Medical Board vide its report dated 05.11.2024. Merely on the basis of opinion recorded by Registrar, Department of Ophthalmology, Government Medical College Hospital, Jammu on the Out Patient Card indicating that the petitioner does not suffer from Squint in his eye is not sufficient material to discard the opinion of the Review Medical Board which constitutes three specialist doctors.

15. The petitioner has not pleaded any procedural irregularities or any malafides on the part of the respondents while conducting his medical examination or the review medical examination. In the absence of any such assertion or any cogent material on record that would throw doubt upon the report of the Review Medical Board, there is hardly any scope for this Court to undertake a judicial review of the findings of the Review Medical Board.

16. For the foregoing reasons, I do not find any merit in this petition. The same is, accordingly, **dismissed**.

(SANJAY DHAR)
JUDGE

JAMMU
13.02.2026
Naresh/Secy.

Whether the judgment is speaking: **Yes**

Whether the judgment is reportable: **Yes**