

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19255/2023

Gugan Singh Son Of Shri Hanuman

-----Petitioner

Versus

Union Of India

-----Respondent

For Petitioner(s) : Mr. Sunil Kumar Saini

For Respondent(s) : Mr. C.S. Sinha for
Mr. R.S. Rastogi, ASG

HON'BLE MR. JUSTICE SAMEER JAIN

Order

09/01/2024

The instant petition is filed challenging the view opined by the Board qua the physical fitness of the petitioner.

It is averred by the learned counsel for the respondent that the fitness and/or non-fitness of the candidates/incumbents was ascertained by the Board pursuant to the due consideration of the guidelines issue in connection therewith.

In this background, learned counsel averred that on the next date, the requisite records shall be produced for the due consideration of the Court.

Lastly, learned counsel submitted that the opinion put forth by private/government doctors is not binding upon the respondent-authorities. Moreover, the findings so furnished by the said doctors, is not supported by any cogent views/opinions in explanation thereof. The same have been given *in limine*.

On the other hand, learned counsel for the petitioner has submitted that in order to satisfy the Court regarding the

bonafides of the doctor's opinion, it would be prudent to call the said doctor(s) before the Court.

Therefore, considering the submissions made herein-above, this Court deems it appropriate to call for the author of the reports so furnished on the next date, for the assistance of this Court. As an alternative, the concerned doctor/medical jurist shall also be at liberty to put forth the concerned explanation by way of an affidavit. The same will be filed before this Court and a copy of the same may also be given to the respondents for their consideration.

Matter be listed on 17.01.2024.

(SAMEER JAIN),J