



2026:AHC:37904

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 669 of 2026

Pankaj Bhagar

.....Petitioner(s)

Versus

Union Of India And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Santosh Kumar Rai
Counsel for Respondent(s)	:	Prem Shanker Prasad, A.S.G.I.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Santosh Kumar Rai, learned counsel for the writ petitioner as well as Sri Prem Shankar Prasad, learned counsel for the respondents.
2. Since affidavits have been exchanged between the parties and the counsel for the rival parties do not propose to file any further affidavit, the writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that in pursuance of a recruitment drive so initiated by the respondents for appointment on the post of Agniveer (General Duty), the writ petitioner applied. According to the writ petitioner, he appeared on 29.08.2025 for physical fitness test at District Muzaffarnagar and as per the writ petitioner, the commanding officer Army Recruitment Zone, Meerut, third respondent declared the writ petitioner to be physically fit. That after qualifying the physical fitness test, result was declared wherein the name of the writ petitioner found place as a selected candidate. A call letter came to be issued requiring the writ petitioner to appear in the month of November, 2025 for pre-documentation and dispatch procedure. It is also the case of the writ petitioner that on 24.11.2025, the writ petitioner was called at ARO, Meerut along with the documents and the writ petitioner was present on the subject place, however, the allegation of the writ petitioner is suddenly Subedar Major namely Hardalayal Singh kicked the writ petitioner by his shoes on right hand and the writ petitioner sustained injuries. Since the writ petitioner had no animosity or grudge with the

alleged Subedar Major and surprised with the said conduct of Subedar Major Hardayal Singh, the writ petitioner made a complaint to the Army Personnel stationed over there but the same was unheeded and, thus, the writ petitioner on 13.12.2025 had submitted a letter before the Station Incharge Police Station, Meerut for lodging of criminal proceedings against the aggressor, Subedar Major Hardayal Singh. It is also the case of the writ petitioner that the said incident was highlighted in the daily newspaper and thereafter, medical examination of the writ petitioner was done on 05.12.2025 wherein it was found fracture as under.-

'Fracture 3rd Metacarpal Right Hand' declaring him to be medically unfit.

4. This led to filing of the present writ petition wherein following relief was sought.-

"(1) to issue a writ, order or direction in the mandamus commanding and directing the respondents to declare the result of petitioner on the post of Agniveer (General Duty) in Indian Army in view of declaration of result of Selected candidate having Roll No. LUC_UTT_VAR_AVGD_2025-113336.

(ii) to issue a writ, order or direction in the mandamus commanding and directing the respondents to send the petitioner for training on the aforesaid Post i.e Agniveer (General Duty).

(iii) to issue any other writ order or direction as deemed fit by this Hon'ble Court in the circumstances of the case.

(iv) to issue costs to the petitioner."

5. On presentation of the writ petition, a counter affidavit has been filed by respondents no. 1 to 3 sworn by O/C Legal Cell, HQ Purva UP & MP Sub Area, OIC to which a rejoinder affidavit has been filed.

6. Learned counsel for the writ petitioner has sought to argue that the action of the respondents in declaring the writ petitioner to be unfit cannot be sustained even for a single moment. Elaborating the said submission, it is submitted that once on 29.08.2025 during the course of the medical examination, the writ petitioner was found fit and there was no fracture of any kind then obviously, the writ petitioner is to be issued joining letter for appointment on the post of Agniveer particularly when in the result so

published, the writ petitioner was selected, however, on an incident so triggered on 24.11.2025, the writ petitioner was hit by Subedar Major Hardayal Singh and the injuries stood sustained. Submission is that the writ petitioner cannot be subjected to medical examination second time as any subsequent event will not take away the vested right of the writ petitioner for reaping the benefits of selection. Contention is that the incident dated 24.11.2025 is nowhere on account of any aggression on the part of the writ petitioner as obviously, the writ petitioner being aggrieved against the said conduct of Hardayal Singh had approached the police station and, thus, the writ petitioner cannot be denied of his genuine benefits.

7. Sri Prem Shankar Prasad who appears for the respondents while countering the submissions so made by the learned counsel for the writ petitioner has submitted that whatever might be thought as per the own stand of the writ petitioner, he was found medically fit on 29.08.2025 but in view of the policy of the respondents dated 03.04.2017 with the heading RTG medical examination there is a validity period of medical examination according to which, the same is 180 days from the date of initial medical examination conducted by RTG MO. It is submitted that at the time of dispatch RTG MO will identify candidates by identification marks recorded in AFMSF-2A and carry out medical examination to rule out any fresh disease or injury following the initial medical examination and, in case, there is a fresh disability detected, the candidate shall be disposed of in the manner as specified therein. Contention is that medical examination so conducted on 29.08.2025 cannot be a ground so as to insist for appointment particularly when during the validity period of medical examination to be conducted, fresh injury was found and, thus, rightly the writ petitioner when subjected to medical examination was found unfit.

8. I have heard the submission so made across the bar and perused the record.

9. Facts are not in issue. It is not in dispute that the writ petitioner has

applied for recruitment on the post of Agniveer (General Duty). The writ petitioner post subjection to medical examination on 29.08.2025 was found fit thereafter, he was called for document verification etc. by virtue of the call letter issued to him. The writ petitioner alleges that on 24.11.2025 when he was present at ARO, Meerut then Subedar Major Hardayal Singh kicked the writ petitioner by shoes on the right hand and the writ petitioner suffered injury. The writ petitioner further claims to have preferred an application for taking appropriate action against Subedar Major Hardayal Singh on 13.12.2025 and on 05.12.2025, the writ petitioner was again medically examined and he was found to be unfit. The procedure in the manner according to which, re-medical examination is to be done bearing in mind the validity period stands specified in the policy so issued from Integrated HQ of MoD (Army) dated 03.04.2017. The policy in extenso is quoted hereinunder.-

"Policy: RTG Medical Examination"

Introduction

1. Medical examination of candidates for enrolment in the Armed Forces is carried out to select only those candidates who can withstand rigorous mental and physical stress and strain of military service and to preclude acceptance of those who are likely to break down on exposure to various stresses experienced in discharge of active service

2 The Rtg procedure has evolved over the years from the application system to Open Rally system, and automation will promote transparency, efficiency and boost confidence of candidates in Rtg procedure. With the change in system from Medical Examination before CEE to Medical Examination after CEE, all concerned specialists will be available under one roof in the MH on a given time and day, as mutually agreed by the Comdt/CO MH and Regt! Centre/ARO/ZRO/IRO, to facilitate examination of candidates in continuity and if needed for cross reference.

3. Health condition of human body is dynamic and healing occurs over passage of time due to natural healing, treatment undertaken and body growth. Outcome of medical examination for fitness is as on date of that medical examination, and it is not predictive of the final status of fitness over course of time. Hence candidates must

ensure that they are fit as on date of medical examination and no further review is permissible once declared unfit by specialist at MH in terms of SAO 6/S/2005/Rtg

4. Remedial medical treatment to meet medical stds for recruitment, if required, is to be undertaken prior to Rtg process. No guarantee is given of ultimate acceptance and it should be clearly understood by the candidate that the decision whether any treatment/ surgery is desirable or necessary is to be made by their personal medical advisers. The Govt will accept no liability regarding the treatment or any expense incurred.

Medical Examination

5 Keeping in view the above and to improve transparency, accountability and credibility, conduct of medical examination will henceforth be as follows:-

(a) On completion of entire process of PFT/PMT/documentation and written examination, short listed candidates will be examined by Rtg MO as existing. The maximum number of candidates to be examined by a Rtg MO will not exceed 40 per MO per day.

(b) Candidates found fit at Rally will be declared 'RALLY FIT, Candidates noted/suspected by Rtg MO to be having any disability will not be declared unfit, but to give a fair chance of further examination, Rtg MO will refer such cases to Spl at a designated MH as soon as possible, but not later than 14 days. Terminology 'PUF/TUF' will cease to be endorsed in initial medical examination by Rtg MO.

(c) To obviate frequent movement of candidates from one hospital to another, the candidates having disability only in medical/surgical specialities will be referred to MH affiliated with respective AROs. However candidates referred for Eye and ENT opinion in addition to medical/surgical will be examined at the Zonal Hospital for all the defects if EYE/ENT Spl is not available in affiliated hospital. Availability of specialist at various MHs will be ascertained from CO/Comdt MH or MG Med Command.

(d) Candidates suffering from minor treatable ailments of ordinary nature such as simple sores, shoe bite, common cold, conjunctivitis etc which usually last only a few days, may be accepted when they offer themselves for enrolment.

Before accepting such a candidate the Rtg MO/Spl must fully satisfy himself/herself that the disease is likely to be cured in a few days with outdoor treatment. In such cases no entry need be made of the disease in the Medical Report on Entry (AFMSF-2A).

(e) It shall be ensured that as far as possible, all medical examinations at MH are completed on the same day but in any case not later than 14 days. This 14 days period is not for administrative process of completion of medical examination but purely for recovery/healing from minor infections.

Validity Period of Medical Examination

6. The validity period of medical examination for all cases will be 180 days from the date of the initial medical-exam-conducted by Rtg MO. At time of despatch, Rtg MO will identify candidates by identification marks recorded in AFMSF-2A, and carry out medical inspection to rule out any fresh disease or injury following the initial medical examination. If a fresh disability is detected the candidate will be disposed off as described in para 5 above.

(a) Re-Medical Examination. After lapse of the validity period, re-medical examination is mandatory and such a medical examination for all purposes constitutes a fresh med exam and will be added accordingly. These cases will be examined by Rtg MO in consultation with SRMO and disposed off as described in para 5 above. 'FIT' candidates will be dispatched to the Trg Centre and other candidates will be referred to Specialist at affiliated MH.

(b) In such medical examination after validity period, if the SRMO finds that the candidate had been declared fit by specialist at MH in the initial med examination and the disability has not further deteriorated the RMO will not refer the candidate again to MH for the same disability. However if the disability has deteriorated or a fresh disability is detected the case will be referred again for Spl opinion.

(c) The validity period of 180 days will not be extended under any circumstances.

Medical Examination at Regti Trg Centre

7. *On joining the Regti Trg Centre there shall be no medical examination for fitness within the validity period as they have already been declared fit. However all Rects should be inspected by Rtg MO from health point of view to rule out any infectious disease or injury so that they can be quarantined and treated if so needed.*

8. *This Die Gen letter No 76054/DGMS-5A dt 05 Jan 2015 is hereby cancelled.*

9. *This letter can be downloaded from DGMS (Army)/DGMS-5A website."*

10. A bare look of the policy would reveal that there happens to be a validity period of medical examination for all cases which is specified to be 180 days from the date of initial medical examination conducted by RTG MO and at the time of dispatch RTG MO is to identify the candidates by identification marks recorded in AFMSF-2A and carry out medical examination to rule out any fresh disease or injury following the injured medical examination. As a matter of fact, it is not the case of the writ petitioner that there is no provision for another medical examination as per the validity period so specified therein. In order to determine whether post initial medical examination, any injuries stood sustained or not, the policy dated 03.04.2017 is not under challenge. Once, the position being so, the respondents are enjoined to conduct another medical examination. Though, according to the writ petitioner, he was hit by Subedar Major Hardayal Singh without any fault of the writ petitioner, however, in exercise of jurisdiction under Article 226 of the Constitution of India, this Court is not required to delve into the said issue as already there happens to be a legal remedy available to the writ petitioner against the aggressor under criminal law or otherwise.

11. Further, the writ petitioner submits that he has not sustained injuries but the report itself shows which is Annexure-CA1 at page 15 of the paper book shows 'Fracture 3rd Metacarpal Right Hand'. Even otherwise, this Court is not required to bestow its opinion and view upon the issue as to whether injury was sustained or not. No provision has been cited before this Court to show that there any provision for re-medical examination particularly when para 3 of the report shows as under.-

"3. He is advised to report to Military Hospital, Meerut for Surgical review, if he so desires under his own arrangements (Note: If declared unfit, report to MH within 05 days). The opinion expressed by Specialist, Medical Officers, MH is final and no review is permitted."

12. This Court by a judicial fiat cannot direct consideration of the claim for re-medical examination. Accordingly, no good ground is made out to interfere, the writ petition stands **disposed of** leaving it open for the writ

petitioner to again apply for fresh selection if he suitable in that regard.

13. Counter and rejoinder affidavit filed today are taken on record.

(Vikas Budhwar,J.)

February 19, 2026

Rajesh