



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No.15736/2024

Sakshi Choudhary D/o Shri Ramsharan Singh, Aged About 19
Years, Resident Of Plot No. 30, Swami Keshvanand Nagar,
Ramnagariya, Jagatpura, Jaipur (Rajasthan)

-----Petitioner

Versus

1. Union of India, Through Secretary, Department Of
Defense, 101-A, South Block, New Delhi.
2. Director General, Armed Forced Medical Services, Ministry
Of Defense, Defense Offices Complex, Office Of
D.G.A.F.M.S./ D.G.- 1A, A- Block, Room No. 403, Africa
Avenue, New Delhi.

-----Respondents

For Petitioner(s) : Mr.Punit Singhvi with
Mr.Ayush Singh
Ms.Shraddha Mehta
Mr.Madhur Shrivastava
Mr.Mihir Jangid

For Respondent(s) : Ms.Manjeet Kaur
Ms.Srishti Arora (OIC)

JUSTICE ANOOP KUMAR DHAND

Order

15/05/2025

Reportable

The issues involved in this writ petition are as to "whether a girl's education can be hindered due to health conditions arising from menstrual issues; and whether it is justifiable to deny her admission solely on the ground that her hemoglobin fell below the prescribed level as a result of blood loss?"

1. The instant writ petition has been preferred by the petitioner with the following prayer:-



"It is therefore most humbly prayer that respondents may kindly be directed to admit the humble petitioner for B.Sc (Nursing) Course-2024 in Colleges of Nursing under Armed Forced Medical Services after re-conducting her medical examination, in the interest of justice;

Any other appropriate order or direction just deems fit may kindly be passed in favour of the petitioner."

2. By way of filing this writ petition, the petitioner is seeking direction against the respondents to admit her in B.Sc. (Nursing) Course-2024 in any of the College of Nursing under the Armed Forces Medical Services.

3. Learned counsel for the petitioner submits that the petitioner qualified the screening process for admission in B.Sc. (Nursing), however, in the medical examination, her hemoglobin was found to be low by the Special Medical Board (for short, "the SMB") and she was treated as "unfit". Thereafter, an appeal was preferred by her within a day and the Appellate Medical Board (for short, "the AMB") also found the petitioner "unfit" on account of her low hemoglobin. Counsel submits that due to menstruation, which resulted into loss of blood, the hemoglobin of the petitioner became low at the relevant time, hence, she was treated as "unfit" by the SMB as well as by the AMB. Counsel submits that under these circumstances, the petitioner approached this Court, by way of filing the instant writ petition, wherein an interim order was passed by this Court on 07.10.2024 directing the respondents to conduct a provisional review medical check-up of the petitioner to ascertain her hemoglobin. Thereafter, under the orders of the





Court, the review medical board was constituted, which conducted the medical test of the petitioner wherein she was found "fit for Anemia". Counsel submits that under these circumstances, the petitioner is fit to get admission in B.Sc. (Nursing) Course. Counsel submits that while passing the interim order dated 15.10.2024, this Court directed to keep one seat of B.Sc (Nursing) Course vacant and till date, the said seat is lying vacant, therefore, appropriate direction be issued to the respondents for granting admission to the petitioner to pursue her studies as aforesaid.

4. *Per contra*, learned counsel for the respondents opposes the arguments raised by counsel for the petitioner and submits that as many as 18 candidates were found to be unfit by the SMB as there hemoglobin was found to be below the level prescribed for their admission, in the aforesaid course and all such candidates submitted appeals before the AMB and all of them were again found to be "unfit" because of their low hemoglobin (below the prescribed level). Counsel submits that there is no provision for conducting any review medical test, hence, under these circumstances, the petitioner is not entitled to get admission in B.Sc. (Nursing) Course. Counsel submits that in case, the admission is granted to the petitioner on the basis of her review medical examination that will affect the rights of other candidates. Also, the course of B.Sc. (Nursing) Course has commenced in the month of January, 2025 and the petitioner would not be in a position to complete the aforesaid course within the stipulated time as prescribed, hence, under these circumstances, interference of this Court is not warranted.





5. Heard and considered the submissions made at the Bar and perused the material available on record.

6. Perusal of the record indicates that the petitioner has qualified the screening process for getting admission in B.Sc. (Nursing) Course. This fact is not in dispute that when her first medical examination was conducted by the SMB, her hemoglobin was found to be below the level prescribed by the respondents. This fact is also not in dispute that even in the subsequent medical examinations, conducted by the AMB, her hemoglobin was again found to be below the prescribed level. It is submitted before this Court as well as pleaded in the writ petition that on account of heavy menstrual bleeding, the petitioner at the relevant time, lost a lot of blood and that was the precise reason that her hemoglobin was found to be below the prescribed level, when the SMB and AMB conducted her medical examinations within a short span of 24 hours.

7. The petitioner was found to be unfit because of Anemia, when her medical examinations by the SMB and the AMB were conducted by the respondents within a short span of 24 hours. In fact, Anemia is not a permanent kind of disease. Anemia affects a person's red blood cells and hemoglobin. Hemoglobin is the protein in red blood cells that carries oxygen from lungs to all the tissues and the organs in human body.

Anemia is the most common blood disorder around the world. If any one has anemia, it means that he or she does not have enough red blood cells and hemoglobin to carry oxygen to all the tissues and the organs in the body. It can be a temporary condition and symptoms can vary from person to person.





Anemia has several possible causes, one of them is due to heavy blood loss because of menstruation. Heavy blood flow during menstruation is also known as "Menorrhagia" which normally affects 10% to 15% of women annually in India creating iron deficiency in their body. As a result thereof, one's body faces a harder time in making hemoglobin that is needed to carry oxygen throughout the body. Heavy menstrual bleeding is caused by imbalances in a female's levels of hormones, especially progesterone and estrogen.

8. Having regard to the nature of review medical opinion, provided by the medical experts of the respondents, coupled with the fact that the petitioner's ailment was temporary in nature, the respondents are expected to adopt a lenient and compassionate view in this matter. This Court is aware of the medical opinions of the SMB, AMB and the Review Medical Board, concerning the petitioner's ailment. Among all these opinions, the opinion of the Review Medical Board would prevail, as it has concluded that the petitioner was found to be 'fit for Anemia'.

9. A girl's health condition like the petitioner, should not hinder her access to education merely because that of her hemoglobin was found to be below the prescribed level because of heavy menstrual bleeding. Menstrual cycle should not be treated as a barrier to the education of any girl child like the petitioner. Denying education on the basis of health concerns, arising due to menstruation is unacceptable. Every girl deserves equal education opportunities regardless of the health challenges, she may face.

10. The petitioner has approached this Court immediately after passing of the order by the AMB wherein this Court, considering





the above factual aspect of the matter, passed an interim order on 07.10.2024 directing the respondents to conduct provisional review medical check-up of the petitioner to examine her hemoglobin and accordingly, a review medical board was constituted and review medical examinations of the petitioner was conducted wherein the petitioner has been found to be "fit for Anemia". Vide interim order dated 15.10.2024, this Court directed the respondents to keep one seat of B.Sc. (Nursing) Course vacant. It has been apprised at Bar by learned counsel for the respondents that in compliance of the order of this Court dated 15.10.2024, one seat of B.Sc. (Nursing) Course is still lying vacant.

11. This Court finds no substance in the arguments of the respondents that 17 other female candidates were also declared unfit for admission due to Anemia. If those 17 other candidates chose not to assert their rights and passively accepted the respondents' decision declaring them as 'unfit'. However, the petitioner cannot be deprived to get admission, especially when she was declared 'fit' by the respondents themselves in review medical examinations.

12. Considering the overall facts and circumstances of the case and looking to the fact that the petitioner has been found to be "fit for anemia" and she possesses the required standards/ level, as desired by the respondents for hemoglobin, the instant writ petition stands disposed of by issuing direction to the respondents to admit the petitioner in B.Sc. (Nursing) Course, in any of the Nursing College under the Armed Forces Medical Services, wherein





one seat is lying vacant as per order dated 15.10.2024 passed by this Court, if she otherwise found suitable for admission.

13. Needless to observe that the order passed by this Court would be complied with by the respondents within a period of four weeks from the date of receipt of certified copy of this order.

14. Stay application and all other pending application(s), if any, also stands disposed of.

(ANOOP KUMAR DHAND),J

Aayush Sharma /59

