



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1557 OF 2024

XYZ, through his Father ...Petitioner
Versus
Directorate General Civil Aviation & Anr. ...Respondents

Ms. Bhoomika Vyas a/w. Sangram Chinnappa for the petitioner.
Mr. Piyush N. Shah a/w. Mr. Aditya Tayade for the respondents

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 18 MARCH 2025

P.C.:

1. We have heard learned counsel for the petitioner and learned counsel for the respondents.

2. This petition under Article 226 of the Constitution is filed praying for the following reliefs:

“a) That this Hon’ble Court may be pleased to issue a writ of certiorari and/or writ order or direction in the nature of certiorari quashing the medical certificate issued to the petitioner by respondent dated 24.05.2022.

b) That this Hon’ble Court may be pleased to issue a writ of mandamus and/or writ order or direction in the nature of mandamus directing respondent no. 2 to carry out the medical fitness test of the petitioner based on his physical health at the time of the test and without prejudice to his HIV status.”

3. Reply affidavit on behalf of respondent no. 1 is filed by Vijaya Vardhan, Joint Director Medical Services (Civil Aviation) is filed in which in paragraph 9, the following statement has been made:

“9. It is to be noted that XYZ has recently undergone Class I Renewal Medical Examination at AFCME, New Delhi on 6th May,

2024 by taking NOC for Delayed Class I Renewal Medical Examination. Hereto annexed and marked Exhibit "H" is the copy of Medical Certificate (Class-I, Renewal). I say that this is done by him after filing of the petition wherein he was declared 'PIC with QEP' by the examination Centre and Medical Assessment declaring him 'Fit Class I Medical Assessment as Pilot in Command with Qualified Experienced Pilot' has been issued.

4. As clearly seen that the petitioner has been declared Fit Class 1 Medical Assessment as Pilot in Command with Qualified Experienced Pilot, with this the grievance of the petitioner, in our opinion, stands redressed. We are also informed that the petitioner has now returned from the training he was undergoing in the USA, hence this petition was required to be filed by the petitioner through his father.

5. If the petitioner has any grievance in respect of subsequent developments and fresh certification as issued to the petitioner, it is for the petitioner to challenge the same as may be permissible in law.

6. At this stage, learned counsel for the petitioner states that the petitioner would intend to withdraw this petition keeping open all contentions to challenge the fresh certification, if the petitioner feels aggrieved by the same. If that be so, we accept the request of the learned counsel. We permit the petitioner to withdraw this petition with liberty as prayed for. All contentions of the parties are expressly kept open.

7. Disposed of. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]