

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.930 of 2022

Sri Ranjit Debnath, S/O- Sri Khokan Debnath, Of Durjoynagar, Agartala,
West Tripura, Pin-799009

.....Petitioner(s);

Versus

1. The Union of India, Represented by the Ministry of Home Affairs,
Government of India
2. The Under Secretary, Staff Selection Commission, Block No.12, CGO
Complex, Lodhi Road, Near JLN Stadium, New Delhi, Delhi-110091
3. Staff Selection Commission Represented by Chairman, Block No.12,
CGO Complex, Lodhi Road, Near JLN Stadium, New Delhi, Delhi-
110091
4. North Eastern Regional Office, Staff Selection Commission, Gauhati,
Represented by Regional Director, Housefed Complex, West End Block,
Last Gate- Basistha Road, P.O.- Assam Sachivalaya, Dispur, Gauhati-
781006
5. Director General, CRPF (Central Reserve Police Force) (Recruitment
Branch) East Block -07, Level-4, Sector-01, R.K. Puram, New Delhi-
110066 (Ministry of Home Affairs)
6. Review Medical Examination Board, represented by the Presiding
Officer RME Centre, CH Shillong, Umpling, Mawarliang, Shillong,
Meghalaya, Pin- 793006.

.....Respondent(s).

For Petitioner(s) : Ms. R. Purkayastha, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Deputy SGI.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

18/05/2023

A report has been submitted by Mr. Bidyut Majumder,
learned Deputy Solicitor General of India, pursuant to the order dated

27.04.2023 in sealed cover. It contains the result of the Review Medical Examination directed by this Court vide order dated 27.04.2023.

2. The order dated 27.04.2023 is extracted hereunder as it encapsulates the case of the parties:

“Because of medical unfitness, petitioner’s candidature for recruitment to the post of Constable (GD) in Central Armed Police Forces(CAPFs) has been rejected. The Review Medical Board held on 30th September, 2022 after the first medical examination of the petitioner on 20th September, 2022 gave an opinion of unfitness due to defective colour vision CP-IV. The Review Medical Board was held at RME Centre, CH Shillong of the Border Security Force. The respondents have enclosed the review medical examination report at Annexure-R-1 which is extracted hereunder :

“FORM NO.4 OF CONSTABLE (GD) EXAM-2021 REVIEW MEDICAL EXAMINATION REPORT

Roll No: 5601013393

Name of candidate : Ranjit Debnath

Gender : Male

Father’s/Husband Name : Khokan Debnath

Identification Mark :

- (i) Cut Mark on (L) index finger
- (ii) B.M on (L) side of upper chest

Candidate’s Signature (in presence of the Medical Board) Ranjit Debnath

(1) Reason for Medical Unfitness

- (i) Defective color vision (CP-III) (unsafe)
- (ii) Knock knees

(2) Brief of Review Medical Examination and Finding thereof.

- 1. Defective color vision (CP-IV)
- 2. Mild knock knee (x-ray report, ortho opinion attached)

(3) Final Opinion

- (a) UNFIT
- (b) UKNFIT on account of defective color vision CP.IV

Place : Shillong

Date : 30.09.2022

Note : The decision of the Review Medical Board will be final. No appeal will be entertained against the finding of the Review Medical Board in Review Medical Examination.”

The Review Medical Board comprised of three doctors. Perusal of review medical examination report shows medical unfitness pointed out in the detailed report examination held on 20th September, 2022 i.e. (i) defective colour vision (CP-III)(unsafe); and (ii) knock knees. The Review

Medical Board found the second defect as not sustained though the defect relating to colour vision has been graded as (CP-IV) i.e. one higher category. Petitioner has got himself examined before the Eye Department of AGMC & GB Pant Hospital, Agartala on 20th October, 2022 which found his eyesight as normal. The report at Annexure-G to the writ petition is also extracted hereunder.

“GOVERNMENT OF TRIPURA
AMC & G.B PANT HOSPITAL, AGARTALA, WEST TRIPURA
OUT PATIENT DEPARTMENT TICKET
20-Oct-2022

DEPT: Eye
UNIT: II
UHID No: 2200177295

PREVIOUS REGISTRATION DATE :
New Patient Registration

TUE NAME: Mr. Ranjit Debnath GENDER : Male
THU AGE: 23 year(s) 0 month(s) 0 day(s)
SAT Do Patient have any travel history : No

Do patient have Cough: No. Fever: No. Breathlessness: No. Diabetes: No.
Hypertension: No. Lung Disease: No. Heart Disease: No.

I have recently interacted or lived with someone who has tested positive for
COVID-19 : No.

I am a healthcare worker and I examined a COVID-19 confirmed case without
protective gear : No

For medical fitness
V
4 < 6/6
< 6/6 Ref / No acceptance

A/R < -0.50/-0.25x165
< -0.75/-0.25x180

Colour vision < NAD BE

Sd/
20/10/2022
Medical officer
Department of Ophthalmology
AGMC & GBPH, Agartala.”

Learned counsel for the petitioner submits that within ten days, not only one defect for medical unfitness i.e. knock knees have been held to be unsustainable by the Review Medical Board but the other defect of colour vision in CP-III category (unsafe) has been upgraded to CP-IV category which is surprising and creates doubt about the authenticity of the medical examination being conducted. Petitioner's rightful claim to be appointed as a Constable(GD) in CAPF is in jeopardy on account of such unreliable reports. As such, learned counsel for the petitioner prays that if a fresh Review Medical Board is convened by the authorities of the CAPF with new team of experts of the Ophthalmology Department also, an independent report would come before this Court to enable the authorities to take an informed decision on the issue of medical fitness of the petitioner.

Learned Deputy Solicitor General appearing for the respondent-CAPF submits that if this Court so directs, such Review Medical Board may be held at the same BSF Hospital at Shillong.

Taking note of divergence in the opinion between the Review Medical Board within ten days of the first detailed medical examination by the doctors of the same organization and an independent opinion of the Department of Ophthalmology of AGMC and GBP Hospital, this Court is persuaded to direct holding of a Review Medical Board by the respondent-BSF at the same Hospital at Shillong, however, with a different team of doctors and specialist of the Department of Ophthalmology. For that purpose, let the petitioner appear before the Medical Superintendent, Composite Hospital, BSF, Shillong on **10th May, 2023** at 10:30 am. On his appearance, the Review Medical Board be held on the same date and a report be submitted to this Court through the learned DSGI in sealed cover on the next date.

Let the matter appear on **18th May, 2023**. Copy of the order be handed over to learned DSGI by tomorrow for compliance.”

3. The results of the Review Medical Examination conducted by a Medical Board comprising of 3(three) doctors including one Ophthalmologist held on 10.05.2023 at CH BSF Shillong with the signature of the candidate also endorsed on it is extracted hereunder:

RESULT OF REVIEW MEDICAL EXAMINATION
(OF UNFIT CANDIDATES IN DME)

Roll No.: 5601013393
Name of the candidate: Ranjit Debnath
Gender: Male
Father's/Husband's name: Khokan Debnath

Identification Marks

- (i) Cut mark on left index finger
- (ii) Black mole on left side of upper chest

Candidates's Signature (In presence of the Board) Ranjit Debnath 10.05.2023

1. Reasons for Medical Unfitness:- Defective colour vision CP-IV
2. Brief of Review Medical Examination & finding thereof:- Colour vision checked by Ishihara test book O/F colour perception Grade III (Three).
3. Final Opinion: FIT for CT/GD

The Review Medical Examination Board has, upon examination of the Colour Vision of the petitioner, given its final opinion as *“Fit for CT/GD”*.

4. Pursuant to the order passed by this Court on 03.11.2022, one post of Constable (GD), CAPF was directed to be kept vacant during pendency of the writ petition. The petitioner's candidature had been rejected on the ground of medical unfitness earlier which compelled him to approach this Court. However, since the Review Medical Examination conducted by a team of three doctors at CH BSF Shillong has opined that the petitioner is "*Fit for CT/GD*", the grounds for rejection of the candidature of the petitioner due to medical fitness no longer remain.

5. As such, the competent authority/respondent No.5 shall take a decision on the appointment of the petitioner on the post of Constable (GD) in the Central Armed Police Forces (CAPF) in accordance with law within a period of 8(eight) weeks from the date of receipt of the copy of this order. The report of the Review Medical Board is kept on record.

6. Writ petition is allowed in the manner to the extent indicated hereinabove.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ