

GAHC010073432022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/156/2022

MOHAN CHAUHAN
S/O MR. MARCHHOO CHAUHAN,
VILLAGE WATIZOR, PO WATIZOR,
PS KHERONI, 782448, DIST WEST KARBI ANGLONG.

VERSUS

1: THE UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, NORTH BLOCK, NEW DELHI 110001, INDIA

2: THE DIRECTOR GENERAL
BLOCK NO. 13 CGO COMPLEX LODHI ROAD
NEW DELHI 110003 INDIA

3: THE CHIEF MEDICAL OFFICER (SG)
CENTRAL INDUSTRIAL SECURITY FORCE
RTC BHILAI. MADHYA PRADESH

For the Appellant : Mr. D. Gogoi, Advocate.

For the Respondents : Mr. K.K. Parasar, Central Government Counsel.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE MITALI THAKURIA

23.05.2023

The instant writ appeal is preferred by the appellant/writ petitioner seeking to assail the legality and validity of the judgment & order dated 10.12.2021, whereby WP(C) No.2550/2009 preferred by the writ petitioner

seeking to challenge the Review Medical Examination report dated 10.08.2018 declaring the writ petitioner to be unfit for appointment to the post of Constable (General Duty) in the Central Industrial Security Force (CISF) was dismissed.

We have heard and considered the arguments advanced by Mr. D. Gogoi, learned counsel representing the appellant/writ petitioner and Mr. K.K. Parasar, learned Central Government counsel appearing for respondents and have gone through the impugned judgment & order and the material placed on record.

Mr. Gogoi vehemently and fervently contended that the report of the Review Medical Board is defective as the same was not undertaken by following the appropriate procedure. He urged that the Review Medical Board, took into consideration the guidelines, which were not even in existence when the selection process in question was undertaken.

Per contra, Mr. Parasar, learned counsel representing the Union of India urged that the appellant/ writ petitioner was declared unfit due to the reason of substandard distant vision when the medical examination was undertaken, as communicated to the appellant/writ petitioner. The appellant/ writ petitioner then requested for being examined by the Medical Board for review medical examination. The Review Medical Board undertook the requisite exercise and after examining the appellant/writ petitioner, in reference to the 2015 Guidelines relating to CAPF found him unfit due to defective distant vision in both eyes. As regards the contention of Mr. Gogoi, learned counsel for the appellant/writ petitioner that the report of the medical examination undertaken by the appellant/writ petitioner *suo moto* at the Civil Hospital, Diphu would clearly indicate that the writ petitioner was fully fit for being appointed as a Constable in the CRPF. Mr. Parasar pointed out that the learned Single Judge considered in extenso the Medical Certificate dated 21.06.2018 issued by the Sub-Divisional

Medical & Health Officer, Civil Hospital, Diphu after conducting medical examination of the appellant/writ petitioner on his own request and came to a conclusion that even the said report established that the appellant/writ petitioner was suffering from defective visual acuity and that there was no cause warranting further re-examination of the writ petitioner's vision.

Having considered the submissions advanced at bar and without going through the impugned judgment & order and the material placed on record, we find that the review medical examination of the appellant/writ petitioner undertaken by the 3(three) Doctors, who were Eye Specialists/Ophthalmologists, clearly indicated that the appellant/writ petitioner was unfit due to defective distant vision in both eyes. Neither any malice nor any ulterior motive is attributed by the appellant/writ petitioner to the members of the Review Medical Board and hence, there is no reason to doubt the report of the Review Medical Board. The learned Single Judge was absolutely justified in denying relief to the appellant/writ petitioner while rejecting the writ petition vide the judgment & dated 10.12.2021, which does not suffer from any infirmity. As a consequence, the writ appeal fails and is dismissed being devoid of merit.

No order as to costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant