



W.P(MD)No.23629 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23629 of 2022

Sivabalan

... Petitioner

Vs.

- 1.The Union of India through the Principal Secretary,
Ministry of Home Affairs,
Grih Mantralaya (Police II Division)
North Block,
New Delhi.
- 2.The Chairman,
The Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road,
New Delhi-110003.
- 3.The Chairman,
The Staff Selection Commission (Southern Region)
No.68, 2nd Floor,
EVK Sampath Maaligai Building,
College Road, Subba Road,
Nungambakkam,
Tamil Nadu-600006.
- 4.The Directorate General
CRPF (Recruitment Board)
Cast Block-07, Level-4, Sector-01,
R.K.Puram New Delhi 11 00 66.



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5.The Special Director General of Police,
Southern Zone, Central Reserve Police Force,
Chandrayangutta, Keshogiri,
Hyderabad, Telangana.

6.The Medical Officer,
Central Reserve Police Force,
Chandrayangutta,
Keshogiri,
Hyderabad.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the sixth respondent dated 22.09.2022 and quash the same as illegal and consequently, direct the respondents to consider the petitioner for further selection for the post of Constable (GD) in Central Armed Police Forces, NIA, SSF and Rifleman (GD) in Assam Rifles Examination, 2021.

For Petitioner : Mr.S.Mahalingam

For Respondents : Mr.P.Subbiah
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner is an aspirant for the post of constable in Central Armed Police Forces, NIA, SSF and Rifleman (GD) in Assam Rifles. He took part in the examination held on 07.12.2021 and successfully



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cleared it. He was also subjected to Physical Standard Test / Physical Efficiency Test on 19.05.2022. The medical report disqualified the petitioner on the ground that his vision was suffering from refractive error (6/18). The petitioner was examined by the Review Medical Board. It also found the petitioner unfit. Challenging his disqualification, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The respondents have filed the counter affidavit and the learned standing counsel took me through its contents.

5. The learned standing counsel was at pains to point out that the petitioner was medically examined twice and on both occasions, he was found unfit. The contention of the respondents is that since the recruitment is to a paramilitary force, this Court ought not to lower the threshold stipulated by the respondent. According to the learned standing counsel, there cannot be any compromise in the matter of fitness. He pressed for dismissal of the writ petition.



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6. I carefully considered the rival contentions and went through the materials on record. My attention has been drawn to the guideline issued by the Ministry of Home Affairs, Government of India, in the year 2015.

The relevant portion of the said guidelines is as follows:-

“Cataract: Individuals with congenital cataracts such as blue dot cataracts and other lenticular opacities that do not decrease visual acuity and are known to be non progressive should be deemed fit by local ophthalmologists upon first examination. These cases should invariably not be sent for Sr.Adv opinion except in cases that are of a borderline or controversial nature. Those lenticular opacities that are compromising vision in the opinion of the ophthalmologist or are likely to progress or need treatment early in the individual's career, will be a cause for rejection. In general, opacities outside the central 7mm zone are not to be considered a cause for rejection if visual acuity is unaffected.”

The learned standing counsel pointed out that the guidelines have been revised on 20.05.2022. The learned standing counsel on the other hand would draw my attention to Clause IV of Annexure 2 dealing with Ophthalmic Systemic Examination. It reads as follows:-

“IV.Cataract: Lenticular opacities that are compromising vision in the opinion of the ophthalmologist or are likely to progress or need treatment early in the individual's career will be a cause for rejection.”

7. After a careful consideration of the aforesaid guidelines, I am satisfied that cataract or lenticular opacities by itself cannot be a cause



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for disqualification or rejection. It must be such as to compromise vision in the opinion of the ophthalmologist or is likely to progress or need treatment early in the individual's career. Only in such case, cataract or lenticular opacities can lead to rejection of one's candidature. I carefully went through the medical report as well as the review medical report issued in the case of the petitioner. Both the reports merely state that the petitioner is suffering from refractive error / cataract. The standard prescribed in the guidelines issued by the Ministry of Home Affairs is not met in this case. Therefore, disqualification of the petitioner solely on the ground mentioned in the review medical report is set aside. However, I cannot straight away direct the respondents to appoint the petitioner as constable. The petitioner will have to necessarily undergo fresh ophthalmic examination. The Doctors constituting the review board will specifically opine if the petitioner's cataract is compromising vision or is likely to progress or need treatment early in his career. The petitioner's appointment will depend upon the proceedings to be rendered by the review medical board. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

G.R.SWAMINATHAN, J.



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8. The Writ Petition is allowed on these terms. No costs.

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NCC : Yes/No
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