

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP No.14690-2015
Date of Decision: 31.08.2015**

PARAMVEER CHAWLA

....Petitioner.

VERSUS

UNION OF INDIA & ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S SANDHAWALIA

Present: Mr. S.S Grewal, Advocate,
for the petitioner.

Mr. Vivek Singla, Advocate,
for respondents No. 1,4 & 5.

Mr. Vinay Pandey, Advocate, for
Mr. Abhinav Gupta, Advocate, for
respondents No. 2 & 3.

G.S SANDHAWALIA, J. (Oral)

The present writ petition seeks the quashing of the medical fitness certificate issued by respondent No. 4 vide which the petitioner has been declared unfit for admission to Class IX in the respondent-school namely, Sainik School Kapurthala. Accordingly, a direction is sought for admission for the session 2015-16.

The case of the petitioner is that the entrance examination was held on 04.01.2015 and the petitioner appeared in the said examination. The result was declared on 20.03.2015 and the petitioner was declared successful. The interview was held on 08.04.2015 and the petitioner was called for medical checkup on 15.04.2015, to be held at Military Hospital, Jalandhar Cantt. In the said medical examination he was declared unfit for being i) over weight, ii) hyperextension knees and iii) poor eye distant

vision .

Being not satisfied with the opinion of the medical board, he applied for review, in which also he was declared unfit on account of his poor distant vision. The petitioner has relied upon medical certificate issued by Civil Hospital, Bahadurgarh, District Jhajjar and from Delhi Hospital and Nursing Home, Bahadurgarh to submit that he has no physical disability regarding his eyes.

In the written statement filed by the respondent-school it is submitted that the school has no role in conducting the medical examination. The Prospectus provided that the examination was to be done by medical board at Military Hospital Jalandhar Cantt and as per Clause 22, the medical standards are prescribed.

In the written statement filed by respondents No. 1,4 and 5, it is submitted that the unfit vision was found by the Eye Specialist on 09.05.2015 on the review filed by the petitioner. The Sainik School boys are selected as army officers to join NDA and the medical examination has to be done strictly as per laid down standards. The review board has also re-examined and declared him unfit for his poor distant vision. The distant vision would hamper his ability to be a good army man and will come as a great hindrance to correct assessment of targets while using arms and other army related mandatory activities. As per the medical conducted on him, his 6/6 vision was only with glasses, which is not acceptable criteria for fitness and even if there is a minutest of disability in any candidate, he would not be eligible.

Counsel has argued that the review Board has wrongly rejected the case again regarding the disability of the distant vision.

Perusal of the paper book would go on to show that as per the medical examination the petitioner is having -1.75 number in the right eye and similar number in the left eye. The vernacular of petitioner's certificate at Annexure P-4 on which he has placed reliance upon also would show that the petitioner is having number -1.5 disability in the right eye and -2 disability in the left eye. The letter dated 15.08.2013 attached as Annexure R-3 with the reply of respondents No. 1 to 4, which has been issued by Ministry of Defence (Army) also goes on to show that tremendous loss would be caused if the candidates trained are not medically fit and there should be stringent medical examination of the candidates at the time of admission. The purpose of stringent conditions cannot be lost sight by this Court. The purpose is to ensure that the students who are admitted in the army school are basically the cradle of cadets, who will further form the strength of the officers, which are required in the National Defence Academy and Indian Military Academy. In case the cadet is not physically fit, he would only be consuming the seat and would also be getting the benefits of subsidized admission. The loss would be of State. In these circumstances, since admittedly the petitioner himself is not having a perfect 6/6 vision, it is not possible for this Court to pass any orders in favour of the petitioner directing admission in the Sainik school

The writ petition is, accordingly, dismissed.

31.08.2015*PA***(G.S SANDHAWALIA)
JUDGE**