

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 1815 of 2014
Date of Decision: 5.2.2015**

Vivek Swami

.....Petitioner

Vs.

Union of India and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sanjay Tangri, Advocate
for the petitioner.

Mr. Arpandeeep Narula, Advocate
for the respondents.

RAMESHWAR SINGH MALIK J. (ORAL)

In compliance of the order dated 13.1.2015 passed by this Court, the Director, PGIMER, Chandigarh, has furnished the medical report dated 30.1.2015, which is available on page No.47 and 48 of the paper book.

Learned counsel for the petitioner submits that let respondent No.2 be directed to reconsider the claim of the petitioner for appointment to the post in question, in view of the medical report dated 30.1.2015.

The medical report dated 30.1.2015 reads as under:-

MEDICAL EXAMINATION REPORT

A Medical Board consisting of the undersigned

members was constituted by the Medical Superintendent

on the orders of the Honourable Punjab and Haryana High Court vide endst. No. Ev (9) PGI-MS/MA-63/2015 dated 22.1.2015 to examine Mr. Vivek Swami S/Late Sh. Dharampal Swami. The said person was rejected for the position of head constable (ministerial) in the border security force on the ground of right eyelid retraction.

Mr. Vivek Swami was registered in Eye OP (CR. No. 201501289630) and was examined by the board on 28.1.2015. His unaided visual acuity is 6/6 in both eyes. Ocular adnexal examination shows Right upper eyelid retraction (i.e. lower margin of the upper eyelid is at the level of limbus or above it). As per the patient's history, this is present since birth. Anterior and posterior segments examination in both the eyes is within normal limits. There is no proptosis (i.e. forward bulging of eye.)

His records of repeated thyroid function test since 2011 have been within normal limits. The latest thyroid function test done on 29.1.2015 is also within normal limits. Thyroid stimulating hormone (TSH) is within normal limit and his anti-thyroid peroxidase is also negative. All the above suggest thyroid eye disease to be an unlikely cause of the eyelid retraction. Hence, clinical impression is Right eye congenital upper eyelid retraction.

Since the candidate has applied for clerical job, in our opinion, the right upper eyelid retraction is not a hindrance for the job. Therefore he may be considered

fit for the job of head constable (ministerial/clerical)

(Dr. Pinaki Dutta) (Dr. Zoramthara) (Dr. Naveen

Pandey)

Co-opted Member

Member

Convener

*(Dr. Usha Singh)
Chairperson.”*

In view of the abovesaid medical report submitted by the Board of Doctors of the PGIMER, the Director General, Board Security Force (Personnel Directorate) (Recruitment Section)-respondent No.2 is directed to look into the matter, reconsider the claim of the petitioner and pass an appropriate order, strictly in accordance with law and also keeping view of the abovesaid medical report, at an early date but in any case within a period of two months from the date of receipt of a certified copy of this order. This Court hope and trust that while passing the appropriate order, respondent No.2 shall proceed on an independent and dispassionate approach.

With the abovesaid observations made and directions issued, present petition stands disposed of.

**(RAMESHWAR SINGH MALIK)
JUDGE**

5.2.2015
Ak Sharma