

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6159/2015 & CM Nos. 11186-11187/2015**
ROHIT RATHI Petitioner

Through: Ms.Shwetank Saila Kwal, Advocate
for Ms. Tanmaya Agarwal, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through: Mr. J.K. Singh, Standing Counsel for
Railway.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **17.11.2015**

Petitioner seeks a direction that he be allowed to join service as per the Movement Order dated 09.03.2015. He was selected to the position of Constable in the Railway Protection Force (RPF) in the recruitment process conducted some time in 2014. It is submitted that the petitioner was selected and found fit physically. By the Order dated 09.03.2015, he was 'relegated' to 06 Bn RPSF due to medical fitness. The petitioner states that he reported for service, but was unfairly not allowed to join service.

The respondent-RPF does not deny that the petitioner was selected and sent for medical examination before his appointment as Constable. Apparently, he was declared 'B-1' and infact treated as

medically unfit after which a Special Medical Board was constituted to examine him. The Committee comprised of three Doctors who affirmed the initial medical examination finding that the petitioner was colour blind. The respondents have produced the proceedings of the said Medical Board today in the course of hearing pursuant to the directions made previously by this Court.

The documents clearly show that the petitioner signed the result of the medical examination conducted by the Special Medical Board.

The respondents also rely upon an undertaking furnished by the petitioner that in the event he is found medically unfit, he could be discharged from the services.

Having considered the submissions and the original record, this Court is of the opinion that the petitioner's deployment was apparently by mistake as is urged by the respondents. At the threshold, since he was declared medically unfit, he could not have claimed a right to continue in the RPF.

The direction he seeks cannot be granted. The writ petition is therefore dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 17, 2015

sapna