

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4339 of 2013

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1. Vipendra Kumar Yadav S/O Nandji Yadav R/O Village + P.O.- Chakki
(Madhura Dera), P.S.- Brahampur, Distt.- Buxar

.... Petitioner/s

Versus

1. The Union Of India Through Ministry Of Home Affairs, New Delhi
2. The D.G., I.T.B.P. Block-2, C.G.O. Complex, Lodhi Road, New Delhi - 110003
3. Dy. Director (Nwr) Staff Selection Commission, Block No. 3, Gr. Floor,
Kendriya Sadan, Sector-9, Chandigarh - 160017
4. Dr. Prasant Kumar Sain, Medical Officer D.M.O., Hazaribagh Centre
5. Deputy Regional Director Ministry Of Personnel, P.G. And Pension,
Department Of Personnel And Training, Staff Selection Commission (Nwr),
Kandriya Sadan, Sector-9, Ground Floor, Chandigarh
6. The D.I.G., I.T.B.P., Bihar Sector, Baily Road

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. PRANAV KUMAR
For Respondent nos. 3 & 5:		Mr. Anjani Kumar Sharan
For respondent nos.1,2,4 & 6:		Mr. Anshuman Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-06-2016

Heard the parties.

In the present writ petition, petitioner is seeking relief for
appointment of G.D constable in I.T.B.P.

The Staff Selection Commission, Chandigarh has
published an advertisement for appointment of G.D. constable in
I.T.B.P. Petitioner also applied for the post of para-military force.
Petitioner appeared in the written test as well as in the physical
test, he was declared to be fit and successful in the said tests.



Thereafter he was called upon for medical test. There candidature of the petitioner has been rejected on the ground of having defective eyes on account of the fact that vision of right side eye is 6/9 and left side eye is 6/6.

Learned counsel for the petitioner has submitted that according to the advertisement good eyes is 6/6 and 6/9. There is no such averment in the advertisement that the person having vision of 6/9 in right side and 6/6 in left side will be bad eyes.

I.T.B.P. has filed supplementary counter affidavit explaining the criteria of eyes where it has been mentioned that a a right handed person having vision of 6/6 in the right side and 6/9 in the left side is good eyes but vice versa is defective eyes. Similarly a left handed person having vision of 6/9 in the right side and 6/6 in the left side is good eyes vice versa is bad eyes. It will be relevant to quote paragraph 6 of the supplementary counter affidavit:

“6.That with regard to the averment made in paragraph no.3 of the rejoinder petition, it is stated that the petitioner has been declared medically unfit in DME and RME due to defective vision Rt.6/9, Lt.6/6 and cannot be considered for selection either, he has obtained higher marks than that of the minimum



cut-off. As the standing policy of the Government is that only those persons who are fully fit in all respects are to be recruited to the CAPFs. The reasons for that are the personnel of the CAPFs are issued with lethal weapons and are expected to use them against insurgent/terrorists and enemies during war. If any of the personnel of CAPFs is not fully fit, he/she will either not be able to protect himself/herself or his/her colleagues in a battle with insurgent/terrorist groups and enemies or he/she will run the risk of killing innocent people or fellow personnel especially if his/her eyesight is weak”

Learned counsel for the petitioner submits that such criteria has not been notified in the advertisement where it has only been mentioned that good eyes is 6/6 and 6/9 and admittedly petitioner has vision of right side 6/9 and left side 6/6. So right side vision 6/9 cannot be said to be good eyes.

As ITBP has to discharge the duty in rough situation, good eyes are must for G.D. constable, persons medically unfit would fail to discharge his duty. Medical fitness is hallmark of recruitment in para-military force. It is apparently clear that petitioner's case has not been accepted on medical ground. This Court cannot substitute the decision which

has been taken by the Medical Board.

This Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.7.2016
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