

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

CWP- 3683 of 2014 (O&M)

Date of decision: 21.11.2016

**Anil Kumar Sharma
Vs.**

..... Petitioner

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. P.K.Chugh, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Ramesh Hooda, Advocate
for respondent No.4.

ANUPINDER SINGH GREWAL,J.(ORAL)

The petitioner has sought a direction to the respondents to appoint him on the post of Nursing Sister. The petitioner is stated to have applied for the post of Nursing Sister in pursuance to the advertisement issued by the respondents in the year 2013.

The petitioner is stated to have qualified in the examination and he was medically examined for his fitness for the job of Nursing Sister. The Deputy Civil Surgeon, who examined the petitioner, found him to be otherwise medically fit except that he was colour blind. Thereafter, the petitioner was sent to the PGIMS, Rohtak for medical examination by the Board of Doctors, which vide its report dated 17.06.2013, held the petitioner to be unfit for the job.

I have heard learned counsel for the parties.

It is manifest that the petitioner has been held unfit for the job of Nursing Sister on account of colour blindness and is inability to

distinguish between various colours. The medical board, which was duly constituted, for examining his vision, had recorded as under :-

“Colour vision: on testing with Ishiara plates, the candidate is missing or unable to identify some of the plates; and on Lantern test, the candidate is unable to identify the primary colours even on large aperture.

Impression: The candidate may be considered UNFIT for the said job.”

Thus, the petitioner was found to be unfit by the Medical Board as he could not identify the primary colours even on large aperture.

It is entirely upto the Medical Board to determine the fitness of a person to be appointed on the post of Nursing Sister. Requirement of a person applying for the post of Nursing Sister to have a vision whereby he can identify and distinguish between primary colours cannot be said to have no nexus with the nature and duties to be performed by the Nursing Sister.

It is not open to this Court to go into the merits of the decision taken by the Medical Board. Until and unless the decision is shown to be arbitrary or patently illegal, this Court would not interfere in such a matter. There is no material on record which would suggest that the report of the Medical Board suffers from any patent infirmity. Consequently, this petition being devoid of any merit and stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

21.11.2016
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No