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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 583/2016

BABU LAL MEENA Petitioner

Through: Mr. Ajeet Kumar & Mr. Nutan
Kumar, Advocates

versus

UNION OF INDIA & ANR. Respondents

Through: Ms. Meera Bhatia, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **28.03.2016**

1. The present petition has been filed by the petitioner praying *inter alia* for issuing a writ of mandamus to the respondent-CISF, directing it to set up a Medical Board for examining his medical condition and to appoint him to the post of a Constable (Driver).

2. As per the averments made in the petition, the respondent-CISF had issued a notification for filling up for 1203 vacancies of Constable (Driver) in the year 2014. The Petitioner had applied for the said post and on 22nd April, 2015, his medical examination was conducted at CISF, NHCC Hosptial, Saket, New Delhi, where he was found unfit due to '*restricted movement of the eye ball and perforated right tympanic membrane*'.

3. Aggrieved by the aforesaid finding, the petitioner had filed an

appeal and requested that a Review Medical Examination be conducted by the respondents. On 16th September, 2015, a Review Medical Board was conducted at CISF NHCC Hospital, Saket, New Delhi by three Medical Officers and the Board had referred the petitioner to the Eye Board at the Composite Hospital, ITBP Tigri, Delhi, where he was declared fit. Thereafter, the petitioner was referred to the ENT Specialist at Safdarjung Hospital, New Delhi on 18th September, 2015, for a Specialist opinion.

4. As per the Specialist Opinion of a Sr. ENT Specialist, Safdarjung Hospital, New Delhi, the petitioner was found to be suffering from '*Active Chronic Otitis Media (COM) with Impaired Hearing Right Ear*'. The relevant documents in support of the averments made by the respondents in the counter affidavit have been filed as Annexures- III & IV. On the basis of the aforesaid opinion and having regard to the Guidelines prescribed in the 'Uniform Guidelines For Medical Examination Test (MET) For Recruitment In CAPFS, NSG & AR' (Annexure -V), wherein Clause-6 specifies the 'General Grounds For Rejection', and includes thereunder the condition of "Otitis Media and Deafness, any degree of impaired hearing", the petitioner's candidature was rejected and he was declared unfit by the Review Medical Board.

5. The submission of the learned counsel for the petitioner that the respondents be directed to hold a fresh Medical Board to examine the petitioner, is turned down for the reason that as per the records, the respondents have already referred the petitioner for an independent opinion to the ENT Specialist at Safdarjung Hospital, New Delhi, who after examining the petitioner and making him undergo an "Audiometry

Test”, has given an adverse report, which notes that he is suffering from “*Right Ear Mild Otitis*” (Annexure-IV).

6. In view of the aforesaid report and keeping in mind the fact that the petitioner had applied for recruitment to the post of a Constable (Driver), which would require a perfect hearing as part of the job profile, we are not inclined to entertain the present petition by directing a Review Medical Board to be conducted for the petitioner.

7. The petition is accordingly dismissed as devoid of merits, while leaving the parties to bear their own costs.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 28, 2016

r/s