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

+ **W.P.(C) 856/2016**

ARUN KUMAR

..... Petitioner

Through : Mr. J.P. Sharma, Advocate with
petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr. Bhagwan Swarup Shukla with
Mr. Rachit Goel, Advocates with
Maj. Jitender Gupta, Unit IRO, Delhi Cantt.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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29.03.2016

1. The present petition has been filed by the petitioner praying *inter alia* for quashing/setting aside the order dated 28.6.2015, whereunder he has been issued a permanent Disability Slip and the order dated 9.12.2015, whereby he has been declared unfit on account of a diagnosis of Corneal Opacity Left Eye (Pupillary Area).

2. The petitioner had applied to the respondent/Indian Army for enrolment as a Staff duty Clerk. He had appeared for the written examination and after passing the common entrance examination, was duly

selected. On 11.11.2014, the petitioner was declared medically fit in the examination. He was informed that as per the rules, the initial medical examination is valid only for a period of six months and his fresh medical examination would be undertaken at the end of six months, i.e., on 29.6.2015.

3. The petitioner had appeared before the Recruiting Medical Officer on 29.6.2015 and the following observations were made :

“2. Temporary Unfit/Permanent Unfit for service in the Armed Service due to the :-

- (a) Abnormal behaviour for psychiatric evaluation (H/O ingestion of unknown stupefying substance followed by amnesia & trauma)
- (b) Unsteady gait
- (c) Corneal Opacity Lt Eye (Pupillary Area) low vision left eye
- (d) (H/Q pain and trauma left eye)
- (e) _____
- (f) _____
- (g) _____”

4. Having regard to the petitioner's medical condition recorded in the form dated 29.6.2015, he was advised to report to the Base Hospital, Delhi Cantt. for a further check up before a Specialist for all the disabilities mentioned above. Pursuant thereto, the petitioner had appeared before the psychiatric specialist and the ophthalmology specialist on 20.7.2015. While the psychiatric specialist had noted that the petitioner is fit for duty, the

ophthalmology specialist has turned down his case as unfit on account of corneal opacity of the left eye.

5. The records produced by the counsel for the respondents reveal that the aforesaid reports were endorsed by the President of the Medical Board, Base Hospital, Delhi Cantt. on 23.7.2015.

6. Counsel for the petitioner seeks to place reliance on an undated medical fitness certificate issued by the Medical Officer of the Civil Hospital, Palwal. However, the said report has not been prepared by a specialist in the field. Furthermore, as pointed out from the records by the counsel for the respondents, a candidate while applying for a medical examination, has to sign a declaration that he will be medically examined as per the medical standards required in the Army, which is at variance from those required by civil standards due to the nature of service to be undertaken in the Army.

7. Counsel for the respondents clarifies, on instructions, that though the petitioner has applied for the post of a Staff Duty Clerk, apart from the task of maintaining records, etc., he would be imparted training in fire arms and ammunitions, etc., which would require a clear vision that he apparently lacks.

8. In view of the aforesaid position and having perused the records, we are not persuaded to accede to the request of the petitioner for convening a Review Medical Board in his case. Accordingly, the present petition is dismissed.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 29, 2016

sk/ap

