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

+ **W.P.(C) 8267/2016**

VINIT SINGH

..... Petitioner

Through: Mr.Balraj S. Malik, Adv.

versus

INDIAN COAST GUARD AND ANR

..... Respondents

Through: Ms.Shivalakshmi & Mr.Dev P.

Bhardwaj, CGSC with Mr.Ruchir Rai,
Adv. for UOI.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.10.2016

This writ petition is directed against the medical disqualification of the petitioner for appointment to the post of Assistant Commandant in the Indian Coast Guard -02/2016 batch.

It is the case of the petitioner that the petitioner applied for the post, and the admit card was issued to him. He reported for a selection test at the Noida Selection Centre and cleared the test.

On 07.02.2016, the petitioner reported for the Second Stage of selection and was recommended for appointment on 17.02.2016. The

petitioner had to report for medical examination at the BASE Hospital at Delhi Cantonment, New Delhi. The petitioner was found fit in all respects except for his vision and his cholesterol level. The petitioner was found to be myopic. The petitioner appealed against the finding of the Medical Board.

It is the petitioner's own case that the maximum limit in respect of Myopia is 6/6 and 6/9. However, the Appeal Medical Board found the myopia to be 6/6 in the left eye and 6/12 in the right eye. The Appeal Medical Board, however, cleared the petitioner so far as his cholesterol level was concerned.

The petitioner applied for further review examination which has been declined by the impugned order dated 28.07.2016 on the ground that training had already commenced with effect from 24/25.06.2016 at INA, Ezhimala. It, however, appears that the medical disqualification was not communicated to the petitioner when the training commenced on 24/25.06.2016. There could, therefore, be no question of the applying for medical review prior to commencement of training.

On overall consideration of the materials disclosed in the writ petition including the report of Dr. Rajendra Prasad Centre for Ophthalmic Sciences, we deem it appropriate to direct the respondents to refer the petitioner to the Army R & R Hospital. A medical Board shall be constituted which shall include an ophthalmologist. The candidature of the petitioner shall abide by the result of the medical examination by the Medical Board of the Army R & R Hospital. The medical examination shall be carried out within four weeks and in the event, the petitioner is declared fit in the medical examination by the Medical Board of the Army R & R Hospital, he will be allowed to join the training.

With the aforesaid directions, the petition is disposed of.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

OCTOBER 06, 2016
gm