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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5077/2015
SURESH Petitioner

Through: Mr. Gaurav Gaur, Mr. Harsh
Vardhan and Mr. Neeraj Kumar,
Advocates

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Jagjit Singh and Mr. Preet
Singh, Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
09.05.2016

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing the order dated 23.04.2015, passed by the respondents/Northern Railways, declaring him unfit for being recruited as a Constable in the RPF on account of having undergone a Lasik surgery for both his eyes and for quashing the order dated 09.03.2015, declaring him unfit for appointment as a Constable in the RPF. Further, the petitioner seeks directions to the respondents/RPF to constitute a fresh Medical Board in an independent hospital for re-examination of his eyes as per the BEE-1 medical standard.
2. Learned counsel for the petitioner submits that the rejection of the petitioner's candidature is without any basis as the petitioner had never undergone a Lasik surgery for rectification of his vision and despite the same, he has been declared medically unfit by the respondents.

3. Learned counsel for the respondents states that this is not the first round of litigation initiated by the petitioner. Prior hereto, the petitioner had approached the Central Administrative Tribunal, Chandigarh on the same cause of action, which petition was dismissed vide order dated 15th December, 2014. Aggrieved by the said order, the petitioner had filed a writ petition before the High Court of Punjab and Haryana which was disposed vide order dated 30th January, 2015, directing the respondents to conduct a re-medical examination of the petitioner by constituting a Review Medical Board at Delhi.

4. Learned counsel for the petitioner states that the respondents have not had the petitioner examined by a Review Medical Board, as directed by the High Court of Punjab and Haryana and instead, the rejection order dated 13th April, 2016 has been unilaterally passed by the Chief Medical Superintendent, Northern Railways, Delhi. A perusal of the said order does not throw any light on whether any Review Medical Board was constituted at all.

5. Learned counsel for the respondents states on instructions that a Review Medical Board was duly constituted to re-examine the petitioner and the same had included one Eye Specialist and two other doctors. He states that the respondents are ready and willing to reconstitute a Review Medical Board at the Central Railways Hospital, Connaught Place, New Delhi which shall comprise of three eye specialists to re-examine the petitioner.

6. The present petition is accordingly disposed of with directions to the respondents to convey a date to the petitioner for him to appear before the Review Medical Board at the Central Railways Hospital,

Connaught Place, New Delhi within four weeks from today. The petitioner shall appear before the Review Medical Board and the decision taken shall be communicated to him in writing within two weeks from the date of examining him. If the petitioner is still aggrieved by the decision taken by the Review Medical Board, then he shall be at liberty to seek his remedies, if so advised, in accordance with law.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 09, 2016

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