

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.852 of 2016

Prabhat Kumar, Son of Govind Chandra Panda, Resident of Village- Sabajpura,
H.N. 86, P.S.- Phulwari Sharif, District- Patna, Bihar

.... Petitioner

Versus

1. The Union of India, through the Secretary, Home, Govt. of India, New Delhi.
2. The Director General, Central Reserve Police Force, C.G.O. Complex, Lodi Road, New Delhi
3. The I.G., Central Reserve Police Force, Allahabad, U.P., Group Centre.
4. The D.I.G. Group Centre, Central Reserve Police Force, Amethi, Uttar Pradesh
5. The I.G. Group Centre, C.R.P.F., Jhaphan, Muzaffarpur.
6. The Deputy Commandant, Group Centre, C.R.P.F, Amethi, U.P.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
Mr. Nagdeo Choubey, Adv.
For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.
Ms. Chaya Mishra, CGC

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-06-2017

Heard Mr. Pramod Kumar, learned counsel appearing for the petitioner and Mr. S.D.Sanjay, learned Addl. Solicitor General, who appears alongwith Ms. Chaya Mishra, learned Central Govt. Counsel.

The case in hand is rather a harsh case for any person seeking an appointment in the Central Reserve Police Force, for having succeeded in physical test as well as in the written test, the petitioner has been disqualified on grounds of defective colour vision. It is not in dispute rather confirmed that the petitioner succeeded in the physical test held for which notice is present at Annexure 1. It is thereafter that an Admit Card was issued for appearing in the written examination present at Annexure 2 and which was successfully



competed by the petitioner. The petitioner also has undergone medical examination and was declared fit for appointment as confirmed from Annexure 'E' which is dated 12.7.2012. It would be relevant to mention here that while the petitioner was noted fit on other grounds, in so far as colour vision part is concerned, the noting at Column 4 (c) of Annexure 'E' puts him in category CP-II which in terms of the guidelines enclosed by the petitioner at running page-66 categorizes him fit for duties anywhere except duties requiring firing/ driving. Somehow the appointments got delayed and it is only on 13.7.2015 that a proposal for appointment was issued, a copy of which is placed at Annexure 'B' to the counter affidavit and which at paragraph (८) required a re-medical examination, considering the delay occasioned in the appointment. The re-examination took place and the report of which is present at Annexure 'F' which reported a defective colour vision for the petitioner requiring a re-test by the Board at Allahabad. The Medical Board proceedings at Allahabad is a part of Annexure 'A' and which renders the petitioner unfit on defective colour vision. The report of the Board is dated 30.9.2015 and it is in consideration of the matter that a second review was conducted by a Board of Ophthalmologists on 26.11.2015 to 28.11.2015, the report of which is enclosed at Annexure 'A'. The medical opinion present at Annexure 'F' as well as opinion expressed by the Medical Board at Allahabad



present at running Page-86 which is part of Annexure 'A' has been confirmed by the Board of Ophthalmologists vide their report dated 28.11.2015. In between the petitioner got himself examined by Dr. Bhawesh Chandra Saha, the Consultant, Department of Ophthalmology, All India Institute of Medical Sciences, Patna, who reported a normal colour vision vide report dated 20.11.2015 present at Annexure 7. The Review Medical Examination report of the Board of Ophthalmologists at Annexure 'A' led to issuance of the letter dated 2.12.2015 impugned at Annexure 6, whereby the petitioner has been held ineligible for appointment to the post of Constable/ GD on medical grounds.

While the substance of the argument advanced by Mr. Pramod Kumar, learned counsel for the petitioner, in reference to the medical opinion of the expert at AIIMS present at Annexure 7 as also on the initial medical examination conducted on the petitioner vide Annexure 'E' which declared him medically fit for appointment, is that there was no reason to disqualify the petitioner, this argument has been contested by Mr. S.D. Sanjay, learned Addl. Solicitor General, in reference to Clause (८) of the appointment letter present at Annexure 'B' to submit that since the appointment process had got delayed that all the selected candidates were required to undergo a review examination and which has failed the petitioner on defective colour



vision. He submits that a review examination has been conducted on the petitioner vide Annexure 'F' followed by the examination of the Medical Board at Allahabad vide report present at running Page-86 which is part of Annexure 'A' and third by a Board of Ophthalmologists present at Annexure 'A' and all of whom have confirmed medical unfitness of the petitioner on colour vision.

Having heard learned counsel for the parties and considering the materials on record, I am persuaded with the argument advanced by Mr. Sanjay and considering that the respondents themselves have taken the effort of carrying out a review medical examination on the petitioner to test whether the first review opinion present at Annexure 'F' was correct or not but which has not resulted any different opinion as confirmed from the report of the two medical Boards present at Page 86 and 85 respectively forming part of Annexure 'A', I do not find any infirmity with the notice put to challenge impugned at Annexure 6 disqualifying the petitioner on medical grounds for appointment.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.06.2017
Transmission Date	NA

