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

+ **W.P.(C) 905/2017**

Date of decision: 26th May, 2017

RAHUL CHAUHAN Petitioner
Through Mr. Vishwendra Verma, Advocate.

versus

UNION OF INDIA & ANR. Respondent
Through Mr. Kushal Kumar, Advocate for Ms.
Monika Arora, Central Government Standing
Counsel.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE PRATHIBA M. SINGH

SANJIV KHANNA, J. (ORAL)

The petitioner-Rahul Chauhan had applied for selection as Constable (General Duty) in Sashastra Seema Bal (SSB) for the year 2015-16 under the sports quota.

2. Vide opinion of the Medical Board dated 25th October, 2016, the petitioner was declared medically unfit for not meeting the prescribed visual standard. Copy of the memorandum of the Medical Board is not on record. However, it is accepted that the petitioner was declared unfit for the reason that he had poor distant vision (6/24 right eye).

3. The petitioner applied for review vide application dated 8th

November, 2016 and was examined by the Review Medical Board on 12th January, 2017. The review medical examination proforma has been placed on record at page 34. The petitioner has made certain allegations against the doctors who had examined him, but in the absence of cogent and reliable evidence, we would refrain from expressing any opinion.

4. The review medical examination proforma records that the petitioner was not willing for investigation. There is another noting in the handwriting and with the signature of the petitioner, wherein the petitioner acknowledges having undergone a refractive surgery of the right eye (Lasik). The petitioner was declared unfit due to refractive surgery of the right eye. Another noting on the proforma records that individual i.e. the petitioner was willing for investigation. These notings are dated 12th January, 2017.

5. The affidavit filed by the respondents states that the petitioner was thereupon examined at M.D. Eye Care and Laser Centre on 13th January, 2017 and the following remarks were recorded:-

“ASOCT AND PENTACAM SUGGESTIVE OF LASIK
SURGERY RT. EYE”

The above remarks affirm the decision/opinion of the Review Medical Board taken on 12th January, 2017.

6. In view of the aforesaid, it is clear that the petitioner had undergone

the refractive surgery of the right eye (Lasik).

7. The contention of the counsel for the petitioner is that the petitioner should not be treated as unfit for he has undergone the said refractive eye surgery. Our attention is drawn to the advertisement, pursuant to which the petitioner had applied.

8. The advertisement under the heading “detailed medical examination” and “eye sight” had stated as under:-

IV) **DETAILED MEDICAL EXAMINATION:-** The candidate who qualify in the Physical Standard Test will be put through for Detailed Medical Examination. The Medical Standards is as under:-

(a) **EYE SIGHT -** Visual standards is as under:-

Visual Acuity		Uncorrected		Refraction	Color Vision	Remarks
Better Eye	Worse Eye	Better Eye	Worse Eye			
N6	N9	6/6	6/9	Visual Correction of any kind is not permitted even by glasses	CP III BY ISIHARA	Binocular vision is required

9. A note in the said advertisement indicated that the candidates would be examined as per the Revised Medical Guidelines May, 2015 issued by the Ministry of Home Affairs. For the sake of convenience, we would like to reproduce the note, which reads:-

“NOTE: - The candidates will be examined as per

the Revised Medical Guidelines May, 2015 issued by the MHA.”

10. The Revised Medical Guidelines, 2015 have been placed on record by the respondents. As per the said guidelines, the visual standards prescribed for distant vision is between 6/6-6/9. This should be the uncorrected visual acuity. Further, visual correction of any kind is not permitted even by glasses. There is also a stipulation with regard to refractive surgeries, wherein it is stated:-

“Refractive Surgeries: Candidates who have undergone LASIK (LASER In Situ Keratomileusis) may be considered fit for recruitment for the post of Direct Entry Gazetted Officers.”

A reading of the aforesaid stipulation would show that the candidates who have undergone Lasik (Laser) surgery are considered fit for recruitment to the post of direct entry gazetted officers. The petitioner had applied for the post of Constable (General Duty), which is a non-gazetted post.

11. Counsel for the petitioner has submitted that the guidelines placed on record relate to Central Armed Police Force, National Security Guards and Assam Rifles, and would not be applicable to SSB. We are unable to agree with the said contention, for the said organization is also like the Central Armed Police Force. It is quite clear from the advertisement and the note

that the respondents had followed the guidelines issued by the Ministry of Home Affairs.

12. In view of the aforesaid, we do not find any merit in the present writ petition and the same is dismissed without any order as to costs.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

**MAY 26, 2017
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