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

+ **W.P.(C) 1432/2017**

**KUSHAL SINGH RAJPUROHIT THR FATHER UMMED SINGH
RAJPUROHIT** Petitioner

Through: Mr.Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORS Respondents

Through: Ms.Ruchi Jain, Adv. with Mr.D.
Srivastava, Sgt. Air Force.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **17.02.2017**

CM No.6592/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) 1432/2017

In this writ petition, the petitioner a candidate aspiring for the post of Airman in Indian Air Force has questioned his disqualification on medical grounds.

The prescribed medical standards for selection to the posts of Airmen in the Indian Air Force, Group X is as follows:-

Trades	Colour vision	Visual acuity	Maximum limits of Ref Error	Leg length
Workshop	CP-II	6/12 each	Hypermetropia	Minimum leg

Fitter (Mechanical), Workshop Fitter (Smith), Structure Fitter, Propulsion Fitter, Weapon Fitter, Electrical Fitter, Electronic Fitter, Mechanical System Fitter and Automobile Fitter.		eye correctable to 6/6 each eye	+ 2.0 D Myopia 1D including +/- .50 Astigmatism	length required for Mechanical System Fitter and Automobile Fitter is 99 cm.
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The Medical Board found following abnormalities:

- (i) ASOM(B/L) with Tympanosclerosis
- (ii) Inferior Turbinate Hypertrophy (Rt.)
- (iii) ECG Abnormality – Incomplete RBBB
- (iv) Refractive Error (B/E)

The petitioner appealed against the findings. On 27.09.2016, the petitioner appeared before the Appeal Medical Board for medical examination. Upon medical examination, the petitioner was declared fit on the first three grounds, but was again declared medically unfit on the 4th ground i.e. refractive error in both eyes.

The petitioner claims to have got himself examined at the All India Institute of Medical Sciences, Jodhpur. The prescription of the said medical institute shows that the refractive error of the petitioner is .50 in both the eyes, which is within the limit mentioned in the advertisement.

Ordinarily, this Court exercising jurisdiction under Article 226 does not interfere with medical opinion given by doctors of a duly constituted Medical Board. However, considering the finding of the All India Institute of Medical Sciences, Jodhpur that the refractive error was within the prescribed limit, we deem it appropriate to direct the respondents to refer the petitioner to the Army Research and Referral Hospital within six weeks for re-examination by a Medical Board comprising experienced eye-specialists. The candidature of the petitioner shall abide by the opinion of the Medical Board.

The writ petition is disposed of. This order is not to be treated as a precedent.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

FEBRUARY 17, 2017

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