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

+ W.P.(C) 2170/2017 & CM No. 9434/2017 (stay)

CONSTABLE CHANDRA SHEKHAR DARA Petitioner

Through Mr. Ajai Bhalla and Mr. Satya
Saharawat, Advocates

versus

UNION OF INDIA AND ORS Respondents

Through Ms. Biji Rajesh for Mr. Gaurang
Kanth, Advocates

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **14.03.2017**

Notice. Ms. Biji Rajesh accepts notice on behalf of the respondents.

The petitioner is a Constable in the Border Security Force. The petitioner applied for selection to the post of Sub-Inspector (General Duty) through Limited Departmental Competitive Examination, 2016.

The petitioner's application was short listed and the petitioner was called to appear for the First Phase Examination on 7.9.2016 which was a written examination. The result of the written examination was published on 5.10.2016. The petitioner was successful.

By a letter dated 18.10.2016, the petitioner was informed that the petitioner had qualified the First Phase Examination i.e. the written examination held on 7.9.2016 and called to appear for the

Second Phase Selection test i.e. Documentation, Physical Measurements, Physical Efficiency Test and Medical Examination commencing w.e.f. 7th November , 2016 at BSF Academy at Tekanpur, Gwalior District in Madhya Pradesh.

According to the petitioner, before appearing for the Second Phase selection Test in Tekanpur, the petitioner had appeared before the Chief Medical Officer of the 142 Battalion at Border Security Force for Annual Medical Examination on 3.11.2016. The Chief Medical Officer on conducting the Annual Medical Examination declared the petitioner fit and in SHAPE-1.

According to the petitioner, the petitioner cleared all aspects of the Second Phase Test on 7.11.2016 after which he was asked to appear for the medical examination. The Medical Officer, however, declared the petitioner unfit on the ground of Poor Distant Vision (B/L 6/9). The petitioner has referred to prescriptions of other Government hospitals declaring the petitioner visually fit. It is stated that the distant vision of the petitioner was within 6/6 which is the permissible upper limit.

Considering that there are divergent reports of different doctors, and in particular, considering the fact that in the Annual Medical Examination the doctors of the BSF had declared the petitioner physically fit and in SHAPE-1, which meant that his distant vision was found to be within permissible limits, we deem it appropriate to refer the petitioner for a Review Medical Examination at the Army Research and Referral Hospital, New Delhi at the earliest, preferably within two weeks from the date of communication of this order.

The Army Research and Referral Hospital shall constitute a Medical Board which shall include a qualified Ophthalmologist for measuring and/or checking the vision of the petitioner. The candidature of the petitioner shall abide by the result of the Review Medical Examination by the medical board constituted by the Army Research and Referral hospital.

The writ petition and the pending application are disposed of.

A copy of this order be given *Dasti* under the signatures of Court Master.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

MARCH 14, 2017/mw