

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-117-2019 (O&M)
Date of Decision: 29.01.2019

Soumay Rai Gupta

--Petitioner

Versus

Union of India & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Ankur Sharma, Advocate for respondents no.1 to 3 & 5.

Mr. Siddharth Sanwaria, D.A.G., Haryana.

Ms. Nimrata Shergill, Advocate for P.G.I.M.E.R.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner, who is a minor, has filed the instant writ petition through his father and natural guardian. As per averments made in the petition, petitioner had applied and subjected himself to a process of admission for class 8th at the Rashtriya Indian Military College (R.I.M.C), Dehradun. In the process of selection, he has secured first position in the All India merit. One seat was assigned to the State of Haryana and the petitioner is a domicile of the State of Haryana.

Challenge in the instant writ petition was to the medical examination proceedings dated 5.12.2018 (Annexure P-6) as also subsequent medical examination proceedings conducted at Command Hospital, Western Command and Research & Referral (R&R) Army Hospital, New Delhi holding the petitioner to be medically unfit for distant vision-Myopia.

It is not in dispute that the visual standards for seeking admission to R.I.M.C have been laid down in Appendix 'C' under clauses 8

and 11 of the R.I.M.C Regulations.

On a previous date of hearing i.e. 16.1.2019 this Court while keeping in mind the career of a young child and who had otherwise secured Rank No.1 in All India Entrance Examination had requested the Director, P.G.I.M.E.R, Chandigarh to constitute a Board of Doctors to examine him. A medical expert/Ophthalmologist from the defence authorities i.e. Command Hospital, Chandi Mandir was also directed to be associated with the Medical Board while examining the petitioner.

During the course of resumed hearing today, Ms. Nimrata Shergill, Advocate, who is on the Panel of Advocates representing P.G.I.M.E.R, Chandigarh has furnished a medical examination report dated 22.1.2019. The report is taken on record as Mark-A and a copy thereof has been furnished to counsel opposite.

The medical examination report has been furnished by a Medical Board consisting of three members i.e. Dr. Raman Deep Singh, Professor, P.G.I.M.E.R, Chandigarh, Lt. Col. Dr. P.K. Chaturvedi, Classified Specialist (Ophthalmologist), Command Hospital, Western Command, Chandi Mandir and Dr. Chintan Malhotra, Additional Professor, P.G.I.M.E.R., Chandigarh.

In the report it has been stated that upon medical examination of the petitioner his uncorrected visual acuity has been found to be 6-24 in both eyes. The Board has opined that the child has Myopia in both eyes and vision is correctible to 6-6 with glasses.

Learned counsel representing the petitioner concedes that as per medical report dated 22.1.2019 furnished by the Medical Board duly constituted in pursuance to the directions issued by this Court on 16.1.2019,

the petitioner does not fulfill the visual standards laid down under the R.I.M.C Regulations for admission to the R.I.M.C., Dehradun.

Under such circumstances, no interference in the instant petition would be called for.

Writ petition is dismissed.

The respondent authorities would be at liberty to fill up the solitary seat of 8th class at the R.I.M.C, Dehradun assigned to the State of Haryana, as per merit.

(TEJINDER SINGH DHINDSA)
JUDGE

29.01.2019

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No