

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19185-2012 (O&M)

Date of decision: 05.03.2019

Chandigarh Administration and another

.....Petitioners

versus

The Central Administrative Tribunal and others

.....Respondents

CORAM: Hon'ble Mr.Justice Rajiv Sharma

Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Prateek Mahajan, Advocate for the petitioners
Mr.P.S.Bajwa, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J.

Rinku Yadav applicant – respondent No.2 had applied for the post of Constable (Executive) in OBC category. In all 1200 posts were advertised by the Chandigarh Administration. He cleared the physical endurance test and the written test held on 14.11.2010 as well as interview. During the medical examination, Principal Medical Officer (PMO), Chandigarh Administration, GMSH, Sector 16, Chandigarh declared applicant-respondent no.2 as medically unfit on account of 'colour blindness'. On the request of the applicant-respondent no.2, a Medical Board was constituted consisting of three Eye Specialist Doctors of GMCH-

32 and GMSH-16 vide letter dated 10.06.2011 (Annexure P4). The said Medical Board also declared the applicant-respondent no.2 unfit due to 'colour vision defect', vide letter dated 30.6.2011 (Annexure P5).

Thereafter, the applicant-respondent No.2, filed O.A. before Central Administrative Tribunal, Chandigarh Bench, Chandigarh. During the proceedings before the Tribunal, applicant-respondent No.2, was ordered to be examined by Special Medical Board of PGIMER vide order dated 9.1.2012. The Special Medical Board of PGIMER opined that the applicant-respondent No.2 may be considered fit for appointment as Constable in Chandigarh police. Since, the applicant-respondent No.2 was not appointed, he filed O.A. before Central Administrative Tribunal, Chandigarh Bench, Chandigarh, which allowed the same vide judgment dated 17.7.2012 (Annexure P10) and ordered that the applicant-respondent No.2 be considered as medically fit for appointment. Against the said order, Chandigarh Administration has come up in the present writ petition.

The short point arising before this Court is as to whether the applicant-respondent No.2 is medically unfit due to colour blindness or not?

Before examining the medical reports, a look at the advertisement (Annexure A1) shows that a Constable could be appointed in the units of Chandigarh Police like Traffic, CID, Wireless, IRB etc. anywhere in India. Admittedly, initially, the Principal Medical officer declared the applicant-respondent No.2 medically unfit on account of 'colour blindness'. Report of the Medical Board consisting of 3 doctors i.e. 2 of GMCH-32 and 1 one of GMSH-16, 2 of which are of Professor ranks, shows that the Board made the following report:-

“The candidate was examined by board of three ophthalmologists and the findings are under:-

Vis 6/6 Fundus WNL B/E

6/6

Colour vision

The candidate could not identify most of initial 21 slides as well as tracing slides on distant colour vision book. In addition, on lantern test, the candidate could not identify colours through medium aperture.

Remarks:

On the basis of above findings, the candidate is declared unfit for the post of Constable due to partial Red & Green def.”

Report of Medical Board of PGIMER is reproduced as under:-

“The candidate namely Sh.Rinku Yadav, s/o Sh. Vikram Singh, age -22 M, Village – Bihali, Mahendragrah, Haryana underwent ophthalmic examination by the Special Medical Board on 7.5.2012 at the Advanced Eye Centre, PGIMER, Chandigarh vide CR No.201202308633. He has visual acuity of 6.6 in each eye. His anterior segment and fundus examination was normal. He has partial red & green colour deficiency on ishiara colour plate. However, on Eldridge Green's Lantern Test, he was able to identify red and green colour with all aperture at the distance of 5 metres.

He possess higher grade of colour perception on Lantern's test as he is able to identify red and green colour through an aperture of 1.3 mm at a distance of 5 metre with 5 seconds time of exposure.

In our opinion, he may be considered fit for appointment as Constable in Chandigarh police.”

When all these reports are considered, it is to be noted that this is for the department to see as to whether the candidate is fit for appointment or not? Medical Board is only to opine about the medical condition of the candidate. The report of the Medical Board consisting of 3 doctors, referred to above, goes to shows that he was found to be 'colour

blind'. He could not identify most of the initial 21 slides as well as tracing slides on Ishiara colour vision book. In the lantern test also, candidate could not identify colour through medium aperture. However, PGIMER Medical Board has reported that the candidate had partial red and green colour deficiency on Ishiara colour plate. However, on the Eldridge Green's Lantern test, he was able to identify red and green colour with all aperture at the distance of 5 metres. He possess higher grade of colour perception on Lantern's test and is able to identify red and green colour through an aperture of 1.3 mm at a distance of 5 metre with 5 seconds time of exposure.

We are of the view that even the report of PGIMER shows that the applicant-respondent No.2 has partial colour blindness, as found in Ishiara colour plate. Even through the Eldridge Green's Lantern Test, he was able to identify red and green colour only through aperture of 1.3 mm at the distance of 5 metres. Since, the constable is to be posted on different duties, including traffic duty, even minor colour blindness can prove fatal in many cases. Earlier, before the Board of 3 doctors, he had failed the lantern test also through medium aperture. Therefore, we are of the view that even though the applicant-respondent No.2 is held to be partially colour blind, he cannot be treated as medically fit for appointment. Standing Order 36 of 2007 (Annexure P11) stipulates that a candidate must be without any colour vision defect, which means that there should be no defect of colour vision, which includes the partial colour defect. Since, the applicant-respondent No.2 suffers from partial colour blindness, therefore, the department rightly decided that he is unfit to perform the duties of Constable.

Accordingly, impugned judgment dated 17.7.2012 (Annexure P10) passed by Central Administrative Tribunal, Chandigarh Bench,

Chandigarh is set aside and the OA filed by the applicant-respondent No.2 before the Tribunal stands dismissed.

Writ petition is allowed accordingly.

(Rajiv Sharma)
Judge

(Kuldip Singh)
Judge

05.03.2019

gk

Whether speaking/ reasoned:	Yes
Whether Reportable:	Yes