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

+ **W.P.(C) 2710/2019 & CM Appl. No. 12507/2019 (stay)**

GURJEET SINGH

..... Petitioner

Through: Mr. Girish Kumar and Ms. Pooja Singh, Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Dev P.Bhardwaj, CGSC with Mr. Jatin Teotia, Advocates for Respondents No.1 & 2

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

18.03.2019

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CM Appl.No. 12508/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

W.P.(C) 2710/2019 & CM Appl. No. 12507/2019 (stay)

2. The Petitioner is aggrieved by his non-selection for the post of Head Constable (HC) (Ministerial) pursuant to a Limited Departmental Competitive Exam (LDCE) in the Central Industrial Security Force (CISF). It must be noticed that the Petitioner has given his address as South Goa.

3. The background facts are that the Petitioner who joined the CISF as Constable and was posted at Goa sat for the LDC Exam, 2015 for the post of HC (Ministerial). He was successful in the written examination and was sent for a detailed medical examination, which took place at the CISF National

Industrial Security Academy (NISA), Hyderabad on 21st May, 2017.

4. The Petitioner was declared medical unfit on three grounds as under:-

- “i Diminished Distant Vision (RE-6/9, LE-6/6) Required RE 6/6, LE 6/9
- ii. Varicosity Right Lg
- iii. Presence of calcium oxalate crystal in urine.”

5. The Petitioner preferred an appeal through the Inspector General of CISF. The Review Medical Board (RMB) examined him on 28th July, 2017 at the Composite Hospital, CRPF at New Delhi. The RMB again declared unfit on account of defective vision. The Diminished Distant Vision in the right eye was 6/9 and that rendered him unfit. Both at the initial stage and at the review stage, there was an eye specialist associated in the examination of the Petitioner.

6. Relying on the decision in *Man Singh vs. Union of India (196) 2013 DLT 48 (DB)* learned counsel for the Petitioner contended that selection of candidates for a higher post through LDCE was in fact by way of promotion and not a direct recruitment. According to the Petitioner Lasik Surgery corrective vision ought to have been accepted as he was applying only for a ministerial job.

7. When specifically asked whether the Petitioner had undergone any surgery counsel for the Petitioner answered in the negative. All he said was that the defective vision was capable of being corrected through surgery subsequently.

8. The question is whether the Respondents were justified in disqualifying

the Petitioner on medical grounds? The admitted position is that the defective distant vision in right eye is 6/9. As per the Manual of medical standards applicable to the Central Allied Police Forces (CAPFs), it is a clear disqualification. This Court is not prepared to examine the correctness of such a medical standard in these proceedings. That is a matter of policy of the Respondents. The possibility of the defective being corrected through surgery in future is not relevant for the medical fitness which has to be determined as on the date of examination of the candidate. The fact remains that for the post of HC (M) in the CISF, a vision of 6/9 in the right eye is a disqualification.

9. Consequently, the Court is not persuaded that the rejection of the Petitioner's candidature based on him being medically unfit calls for interference.

10. The petition and the pending application are accordingly dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 18, 2019

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