

04.12.2020
D/L No.49
Court No.24
s.biswas

WPA 9375 of 2020

Rishav Kumar Dubey
Vs.
The Union of India & Ors.

(Through Video Conference)

Mr. Ujjal Ray

... .. for the petitioner

Mr. Nilanjan Bhattacharjee

... .. for the respondent

Petitioner assails the Detailed Medical Examination Memorandum dated February 12, 2020 and the Review Medical Examination Report dated October 26, 2020.

Learned advocate appearing for the petitioner submits that the petitioner participated in the selection process of Central Armed Police Force (in short "CAPF"). Initially it was found that the petitioner was colour blind. The petitioner examined himself at a Government facility. Such facility found the vision of the petitioner to be within normal parameters. Based on such report, the petitioner applied for review. The Review Medical Examination upheld the Detailed Medical Examination Memorandum. He submits that the petitioner is not a colour blind and he is ready and willing to be examined by any independent authority.

Union of India is represented.

In the facts of the present case, the petitioner applied for a selection to the post of Constable in CAPF. He was medically examined in the selection process. In

the Detailed Medical Examination Memorandum dated February 12, 2020, the petitioner was found to be colour blind. The petitioner thereafter approached a private hospital and a Government hospital. The private hospital found the colour vision of the petitioner so far as the right eye is concerned to be 19/21 plates and so far as the left eye is concerned to be 20/21 plates. The Government hospital, by its report dated February 17, 2020, found that the petitioner can read all plates of Ishihara, Chart. The petitioner thereafter applied for review. The review authority, by the Review Medical Examination report dated October 26, 2020 found that the petitioner was identifying red as green and green as orange. In such circumstances, the review authority by the Review Medical Examination Report dated October 26, 2020 found the candidature of the petition unsuitable. The petitioner thereafter subjected himself to tests at medical facilities at Patna. The first medical facility found the colour vision of the petitioner to be normal. Subsequent examination by another Government facility found that the colour vision of the petitioner to be normal.

In the facts of the present case, the only report which identifies the defect of the colour vision of the petitioner is the Review Medical Examination Report dated October 26, 2020. The petitioner was in possession of such report when he subjected himself for further medical examination by two Government institutes. The two

Government institutes in this report did not delve into the defects which the Review Medical Examination Report dated October 26, 2020 identified.

In the absence of the two Government institutes directly questioning the Review Medical Examination Report dated October 26, 2020, I am not minded to interfere. The petitioner was given an opportunity to present his case before the selection committee. He was allowed to apply for review. In the facts of the present case, the decision making process cannot be faulted. It is for the selection committee to arrive at the decision whether the petitioner is suitable or not. A writ Court is not concerned with the decision per se but the decision making process. Hence the decision making process cannot be faulted. The decision arrived at has not been substantiated to be perverse. In such circumstances, I am not minded to exercise by discretionary writ jurisdiction in favour of the petitioner.

WPA 9375 of 2020 is disposed of.

(Debangsu Basak, J.)