

08.02.2021

Ct. No.13

Sl. No.21

akd

W.P.A. 11814 of 2020 [via video conference]

[Kartik Singh -Vs- Union of India & Ors.]

Mr. Ujjwal Ray

... .. for the petitioner

Mr. Bhudeb Chatterjee

... .. for the UOI

Affidavit-of-service filed in court today be kept with the record.

The writ petitioner is aggrieved by the decision of the review medical board dated 24th October, 2020 whereby he was found unfit for the post of Constable (GD) on account of *amiso coria* and sluggish reaction of pupil in one eye. The petitioner sought review of the order of the initial medical officer dated 12.02.2020 based on the opinion rendered by a Civilian Hospital, both government and non-government, that the petitioner is perfectly sound and there is no abnormality. It is further found by the private doctor that the petitioner had no colour blindness.

The review medical board did not make any comment on the petitioner's flat foot or deformation in the ankle joints although it is referred to by the first medical officer. The ground for unfitness is primarily because of the deficiency of one pupil in one eye.

This Court is of the view that the petitioner was examined by four doctors in total which includes the first medical officer and the three doctors in the review medical board. The review medical board is deemed to have considered the opinions rendered by civilian medical experts.

This Court is of the view that the suitability of a person for the post of Constable must rest exclusively in the subjective domain of the medical boards of the specific forces to which recruitment to the post of Constable is sought to be made. The medical suitability, of a person to serve as a Constable, may be quite different from the medical suitability of a person assessed by a civilian doctor.

It is now well settled in administrative law that the administrative/quasi judicial orders or decisions are not questioned by a writ court. It is essentially the decision making process that is required to be looked into. There is no infirmity in the decision making process.

This Court even otherwise does not find any perversity in the opinion of the review medical board. Hence, no relief can be granted to the writ petitioner.

This writ petition, therefore, stands disposed of without any orders.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)