

\$~Suppl.-21

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

+ W.P. (C) 2021/2021

RADHEY SHZYAM RAI

.....Petitioner

Through: Petitioner in person.

Versus

STAFF SELECTION COMMISSION & ANR.Respondents

Through: Mr. Mukesh Kr. Tiwari, Advocate for
Mr. Ruchir Mishra, Advocate for
UOI.

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Date of Decision: 16th February, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed seeking a direction to the respondents to prescribe different medical standards for the ex-Servicemen keeping in view their advanced age which has been relaxed by the extant rules.
2. Petitioner further prays that his case be reviewed in light of such newly framed medical standards against the vacancies of the 'Recruitment of Sub-Inspectors in Delhi Police, CAPFs and Assistant Sub-Inspectors in CISF Examination, 2018' in the category of ex-Servicemen.

3. Petitioner, who appears in person, states that he is an ex-serviceman, having served in Indian Air Force from 1996 to 2016. He further states that respondent no.1-SSC issued an advertisement for recruitment of Sub-Inspectors in Delhi Police and he was eligible in the category of ex-servicemen. He, however, points out that he was disqualified on account of DOV-N/12 BE – eyesight in the detailed Medical Examination conducted on 21st March, 2020 as the maximum permissible limit is N9.

4. He states that when the eye specialist at Base Hospital Delhi Cantt reviewed him, the said specialist stated that though the initial Detailed Medical Examination report was correct, the eyesight of the petitioner is normal for a person of his age. He also states that a correction to the extent of N9 is allowed to fresh candidates who fall in the age bracket of 20 to 25 years.

5. He emphasizes that the fresh recruits and ex-servicemen constitute distinct classes and that ex-servicemen are exempt from physical endurance test. Therefore, according to the petitioner, the criterion laid down by the respondents regarding the medical standard of eligible ex-Servicemen is arbitrary and unreasonable.

6. However, this Court is of the view that it is not in our domain to reduce the standards of entry or lay down medical standards for recruits to the post of Sub-Inspector and/or Assistant Sub-Inspector. This is the domain of the experts and the executive.

7. Consequently, this Court directs the present writ petition to be treated as a representation to the Secretary of respondent No.2, who is directed to decide the same by way of a reasoned order within twelve

weeks. This Court, however, clarifies that it has not expressed any opinion on the merits of the controversy. All the rights and contentions of the parties are left open.

8. Accordingly, the present writ petition stands disposed of.

MANMOHAN, J

ASHA MENON, J

FEBRUARY 16, 2021

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