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

% ***Date of decision: October 18, 2022***

+ W.P.(C) 14735/2022 & CM APPL. 45313-45314/2022

HIMANSHU BANSAL Petitioner

Through: Mr. Kushagra Bansal, Advocate
versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Vinod Tiwari and Mr.
Kushagra Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. By way of the present petition, petitioner seeks following reliefs:-

a) Issue a Writ of Mandamus to consider the candidature of the Petitioner for the post of constable in its Notice bearing No. F No. 31 /2020-P&P I issued by the Respondent; and

b) Issue a Writ of Mandamus to allow the Petitioner to be medically examined by an independent medical board in respect of his appointment and if found fit issue an appointment letter as per notice bearing no. F.No.3-1/2020-PGP-I; and

c) Issue a Writ of Certiorari thereby setting aside the result of the Review Medical Examination of the Petitioner conducted on 26.09.2022 and the Report of the Review Medical examination issued by the Respondent No. 3 on 26.09.2022 wherein the decision of the Medical Board was affirmed and the candidature of the petitioner was again declared 'Unfit' due to the Defective Distant Vision in the Right Eye- 6/9.

2. The respondent no.2/SSC issued a notice bearing No. F.No. 3-1/2020-P&P-I for the post of Constables(GD) in Central Armed Police Forces (CAPFs), NIA, SSF and Rifleman(GD) in Assam Rifles Examination for the year 2021.
3. Thereafter, the petitioner after having applied under the 'OBC Category' appeared in the written examination which was to be conducted on 25.11.2021. Upon being successful in the written examination and thereafter, also in the Physical Efficiency Test and Physical Standard Test held on 20.05.2022, the petitioner was called for a Detailed Medical Examination on 21.09.2022, wherein, he was declared '*unfit*' due to defective distant vision in Right Eye(6/9) vide result dated 23.09.2022. Consequent thereto, petitioner appeared for the Review Medical Examination, wherein, again he was declared '*unfit*' for the aforesaid defect.
4. The petitioner, thereafter, on his own volition, got himself checked for the said defect at VMMC, Safdurjung Hospital, Dr. RML Hospital and AIIMS, Delhi wherein his visual acuity score was found to be 6/6 for both the eyes and thus, he was found '*fit*' for the said defect for which he was declared '*unfit*'.
5. Without commenting on the merits of the case, we hereby direct the respondents to facilitate the constitution of a Medical Board of the RR Hospital, New Delhi to examine the petitioner for the said defect and communicate the date of the said examination to the petitioner. Once the medical examination by the respondents is over the report thereof shall be communicated to the petitioner.
6. If the petitioner is found medically *fit*, the respondents are directed to allow the petitioner to participate in the further selection process, however,

as agreed by the parties, the decision of the said Medical Board shall be final and binding upon the parties.

7. The petition alongwith the pending applications is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

OCTOBER 18, 2022/rr

