

36.
18.1.2023
S.D.

W.P.A. 23960 of 2022

**Anil Kumar Das
Vs.
Union of India & Ors.**

Mr. Debasish Kundu

...For the petitioner

Mr. S.N. Dutta

Mr. S. Karmakar

...For the Respondents

The petitioner qualified in the first staff selection commission recruitment process for the post of Constable (GO) in Assam Rifle Examination 2021. In the Detailed Medical Examination (DME), the petitioner was held to be “**unfit**” due to defective distant vision. In the Review Medical Examination (RME), the petitioner was also held to be “**unfit**” due to decreased vision in the right eye. The petitioner got himself checked at Sagar Dutta Hospital under the department of Health and Family Welfare, Government of West Bengal. The petitioner also got himself checked at All India Institute of Medical Sciences (AIIMS), Kalyani. There was no defect in the vision of the petitioner as per the said medical report also.

By an order dated November 22, 2022, this Court directed the Superintendent, Eastern Command Hospital to

constitute a Medical Board and examine the petitioner. A report dated January 3, 2023 has been placed before this Court by the President of the Medical Board for Commandant.

From the said report, it appears that the petitioner is medically “fit” in the eyes. Therefore, the petitioner is held to be “fit” for discharging his duties as a Constable with the Central Reserved Police Force (CRPF).

In the light of the medical report filed in this Court by the President of the Medical Board, Eastern Command Hospital, this Court directs the writ petition to be treated as the representation of the petitioner by the respondent no. 10/the Inspector General, CRPF. The said representation of the petitioner will be considered by six weeks from date upon giving a reasonable opportunity of personal hearing to the petitioner. A reasoned order shall be passed and the same be communicated to the petitioner within two weeks of passing thereof.

In the event, the petitioner is found to be eligible for being recruited to the post of Constable in the light of the report dated January 3, 2023, the said recommendation shall be forwarded to the respondent no. 3. The respondent no. 3

will take necessary steps for recruitment of the petitioner, in accordance with law.

The interim order of keeping one post of Constable vacant till the disposal of the writ petition is now extended till the disposal of the representation of the petitioner by the respondent no. 10/respondent no. 3.

In the light of the directions aforesaid, **W.P.A. 23960 of 2022 is disposed of.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the writ petition are deemed not to have been admitted by the parties.

The medical report dated January 3, 2023 is retained with the records.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)

