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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-7044-CWP-2023 in/and
CWP-5183-2023 (O&M)
Date of Decision: 27.04.2023**

Govinda Lamba

.. Petitioner

Vs.

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sumit Sangwan, Advocate for applicant-petitioner.

...

Manoj Bajaj, J. (Oral)

CM-7044-CWP-2023

This application has been filed under Section 151 CPC for pre-poning the date of hearing of the main petition to an early date.

For the reasons mentioned in the application, the same is allowed and the date of hearing is pre-poned to today.

CM-7045-CWP-2023

Application is allowed, as prayed for. Annexures P-6 and P-7 are taken on record.

CWP-5183-2023 (O&M)

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ of Certiorari for quashing his medical certificate dated 27.02.2023 (Annexure P-5) issued during selection process for the post of Head Constable (BSF) by Medical Board as well as Review Medical Board, declaring him medically unfit for defective distant vision/eye sight. Further, prayer is for issuance of a writ in the nature of

Mandamus directing the respondents to conduct his medical re-examination,

and in case, he is found fit, consider him for appointment to the post with all consequential benefits.

Learned counsel submits that pursuant to the advertisement issued in August, 2022 by Border Security Force, the petitioner had applied online for direct recruitment to the post of Head Constable (Radio Mechanic), in EWS category, and in furtherance of selection process, he appeared in the written examination and cleared the same. Learned counsel further submits that the petitioner also qualified the physical test, and thereafter, appeared for medical examination on 17/18.02.2023, when he was referred to Review Medical Examination. According to the learned counsel, the petitioner along with other candidates appeared for examination of vision/eye sight and vide report dated 27.02.2023, he was found unfit on the ground of defective distant vision. Learned counsel argued that the petitioner has been declared unfit without any valid reason, therefore, the petitioner deserves to be re-examined from any other medical officer or institute including PGIMER, Chandigarh. Learned counsel has also relied upon the other reports dated 24.03.2023 and 10.04.2023 (Annexures P-6 and P-7) by PGIMS, Rohtak to contend that petitioner's vision is 6/6, and the action of the respondents in declaring him medically unfit is illegal and arbitrary.

After hearing the learned counsel and considering his submissions, this Court finds that the medical test of the petitioner was conducted on 17.02.2023 and his vision was checked on the next date i.e. 18.02.2023 at Bhondsi from where he was referred to the Review Medical Examination, whereupon the report dated 27.02.2023 declared him unfit by finding his distant vision defective. A perusal of the said report makes it

clear that against the decision of the Review Medical Board, no appeal is maintainable, and as per petitioner's own averments in the writ petition, he informed the doctor on the date of examination that he travelled a lot in public transport and remained in unhygienic conditions, therefore, had been feeling irritation in his eyes, which was ignored by the doctors. Thus, on the date of examination, the petitioner felt abnormality in his eyes. Further, in para 4 of the writ petition, it is stated that he got his vision tested from a private doctor with the latest technique and his vision was found fit, but in support of this averment, no material has been placed on record by him. Though the petitioner has relied upon the medical reports dated 24.03.2023 and 10.04.2023 by PGIMS, Rohtak, but this is not enough to doubt the medical report dated 27.02.2023 by the Review Medical Board, because these medical reports dated 24.03.2023 and 10.04.2023 do not refer to the earlier impugned report, therefore, no preference can be attached to it.

Resultantly, no case is made out for exercise of extraordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

27.04.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No