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

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Date of decision: 20.03.2023

+ **W.P.(C) 3387/2023**

VIJAY

..... Petitioner

Through: Ms.Chhavi Yadav for Mr.Ajit
Kakkar, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Jatin Singh, Mr.Keshav Sehgal,
Mr.Kashish Bajaj, Mr.Utsav Garg,
Mr.Shubham Agarwal & Mr.Shivam
Gaur, Advs. for UOI.
Sh.Hemendra Singh, Deputy
Commandant (Law) BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, petitioner prays as under:

- a. *To set aside the Unfit Certificate of the Review Medical Examination, issued by the respondents;*
- b. *To direct the respondents to conduct re-medical exam to determine /assess/test the Eyesight/Distant vision of the petitioner and if found qualified, consider him in the further enrolment process for the post of Head Constable (Radio Mechanic) in Border Security Force (BSF);*

- c. *Alternatively, direct the respondents for appointment of the petitioner on the basis of the Health/Medical certificate issued by the Govt. Hospital.*

2. Case of the petitioner is that he applied for the examination for the post of Head Constable (Radio Mechanic) through online mode in the Border Security Force and qualified the phase I written examination and thereby eligible to appear in the phase II Physical endurance and measurement test. During Detailed Medical Examination, he was declared unfit on two counts viz.

- (i) Defective Distant Vision assessed at VA 6/9 (Right Eye) 6/9 (Left Eye)
- (ii) HTN+
- (iii) Abnormal Dentition.

3. Being aggrieved, the petitioner applied for Review Medical Examination and as per the result of RME on 27.02.2023, he was declared unfit on the ground of “*Defective Distant Vision*”. Thereafter, petitioner got himself medically tested in respect of his Eye Vision/Eyesight at Civil Hospital, Bahadurgah on 25.02.2023, Lady Hardinge Medical College on 10.03.2023, Safdarjung Hospital on 11.03.2023, Mittal Clinic, Charkhi Dadri, Haryana on 27.01.2023, Eye-Q Vision Pvt. Ltd on 09.03.2023, Aarogyadham Charitable Eye Hospital on 09.03.2022. Petitioner also approached Keeran Eye Care, Greater Kailash, New Delhi and as per its report dated 10.03.2023, petitioner’s Distant’s eyesight/vision was tested as VA 6/6 (Right Eye) 6/6 (Left Eye).

4. Counsel for the petitioner submits that petitioner has been found unfit on the ground of ‘*Defective Distant Vision*’ which is not disputed by counsel

appearing for the respondents.

5. Since there are two different medical opinions, therefore, without going into the controversy, we dispose of the present petition by directing the RR Hospital to constitute a Medical Board and assess the petitioner's eye sight accordingly within four weeks. The respondents shall facilitate the petitioner to get medically examined.

6. As agreed by the learned counsel for the petitioner, the report of the RR Hospital shall be final and binding.

7. We hereby make it clear that in case the petitioner found medically fit, petitioner shall be allowed to join further selection process.

8. In view of above, present petition stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 20, 2023/ab