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

% ***Date of decision: 10th May, 2023***

+ **W.P.(C) 6077/2023**

PRAJNA SARATHI JENA

..... Petitioner

Through: **Mr. S. Sasibhusan and Ms. K.
Sandhya Rani, Advocates**

versus

UNION OF INDIA & ORS.

.... Respondents

Through: **Mr. Ajay Jain, Senior Panel Counsel
with Mr. Deepak Tanwar, GP and Mr.
Sagar Shresht, Advocate for R-1**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T (oral)

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

(a) thereby quash the medical report dated 12.08.2022 and further review thereof dated 13.08.2022 whereby and where under the petitioner has been declared unfit without expressing any opinion regarding physical defect pointed out in both medical reports.

(b) may be pleased to direct the Respondent to consider his case for appointment to the post of Head Constable (General Duty) against sports quota in CISF in connection with the advertisement issued by the Directorate General, Central Industrial Security Force, Ministry of Home Affairs, after conducting eye test from independent Medical Authority/Board.

2. Case of the petitioner is that he applied for the examination for the post of Head Constable (General Duty) in CISF against Sports Quota and after scrutiny of the applications the respondents shortlisted the eligible candidates, wherein he was placed at Sl. No 96 in the said list. Subsequently, he was instructed to appear before the Medical Examination Board (DMC/RMC) and an Admit Card was issued to him on 30.07.2022 for appearing in Detailed Medical Examination on 12.08.2022. During Detailed Medical Examination, he was declared unfit due to Visual Acuity unaided (better eye and worse eye).

3. Being aggrieved, the petitioner applied for Review Medical Examination and as per the result of RME on 13.08.2023, he was declared medically unfit. Contrary to that when the petitioner approached before MJLRH, Cuttack, SCB Medical College & Hospital, Cuttack, AIIMS Bhubaneswar, he was issued medical fitness certificates dated 18.08.2022, 19.08.2022 & 23.08.2022, respectively, holding him physically fit for any duty. Further the medical fitness certificates was issued by Assistant Professor, Department of Ophthalmology, AIIMS dated 23.08.2022 whereby his eyes and color vision were found normal.

4. Since there are different medical opinions, therefore, without going into the controversy, we dispose of the present petition by directing the RR Hospital, Delhi 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.

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

6. We hereby make it clear that in case the petitioner found medically

fit, petitioner shall be allowed to join further selection process.

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

(SURESH KUMAR KAIT)
JUDGE

(MINI PUSHKARNA)
JUDGE

MAY 10, 2023/rk

