



Neutral Citation Number 2023:DHG:5911-DB

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

% Judgment delivered on: 11th August, 2023

+ W.P.(C) 8705/2023 & CM APPL. 32921/2023

BISWA BHUSAN ROUT.

..... Petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Himanshu Gautam, Advocate

For the Respondent: Mr. Siddharth Khatana, Advocate (Sr. Panel Counsel)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks setting aside of the Detailed Medical Examination Report dated 05.06.2023 and Review Medical Examination Report dated 08.06.2023 to the extent these declare the petitioner unfit. Petitioner further seeks a direction to the respondents to allow petitioner to undergo LASIK surgery for correction of the visual acuity.

2. Petitioner had joined CRPF as Sub-Inspector in the year 2011 and earned his promotion to the post of Inspector in the year 2021.



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3. Respondents issued an advertisement for selection to the post of Assistant Commandant (GD) in CAPF through Limited Departmental Competitive Examination.
4. Petitioner applied for the same. In his medical, he was declared unfit. The Detailed Medical Examination declared him unfit on the ground of “Refractive Error beyond Permissible Limit”. The Review Medical Examination also recorded the petitioner as unfit on the same ground and reported as DVA 2/60 (RE), 2/60 (LE) unaided and 6/60 (-4.50 DSPH) & 6/60 (-4.50 DSPH).
5. Dr. Vivek Srivastava, one of the doctors who had conducted the Review Medical Examination, was asked to be connected and he was connected through video-conferencing on 10.07.2023. He explained the medical position and had stated that the maximum permissible correction is – 4.50 DSPH and with that correction, the standard prescribed is 6/6 better eye– 6/12 for the weak eye. He submitted that the reliance placed by the petitioner on the annual medical examination report to contend that he was declared as 6/6 is misplaced for the reason that the petitioner could have been declared 6/6 with a higher correction lens than – 4.5. He submits that the parameters for annual medical examination are different than the one required for recruitment
6. Learned counsel for petitioner has produced OPD record of the petitioner dated 31.07.2023 of District Hospital, Dantewada where petitioner got himself examined. The medical examination has



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reported vision in right eye as 6/12 with -5 SPH Correction. The vision in left eye is also 6/12 with -5.00 SPH Correction. The outpatient (OPD) record is taken on record.

7. The refractive error in both the eyes is thus beyond the permissible and acceptable limit.

8. In view of the fact that even the medical report produced by the petitioner shows that the refractive error in both the eyes is beyond the permissible and acceptable limit, we find no error in the medical examination reports of the respondents holding the petitioner as unfit for recruitment.

9. We also find no merit in the contention of learned counsel for petitioner that respondents should permit petitioner to undergo LASIK Surgery and then conduct fresh medical examination.

10. One of the conditions prescribed by the Review Medical Examination is that correction done through LASIK Surgery should have been done at least six months prior to the conduct of the Detailed Medical Examination. If petitioner is permitted to undergo the LASIK Surgery at this juncture, respondents would be required to defer the recruitment process for a further period of six months in an expectation that with Lasik, there would be correction of the refractive error in the eyes of petitioner.

11. It is settled position that recruitment process cannot be deferred indefinitely. In case, petitioner needed to undergo surgery, petitioner



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should have got it done at least six months prior to appearing in the medical examination as he knew that his eyesight was not as per the prescribed standard.

12. In view of the above, we find no merit in the petition. The petition is consequently dismissed.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

AUGUST 11, 2023/dr



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