



WP(MD) No.24210 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty Second day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD) No.24210 of 2023

M.SIVABALAN

... PETITIONER

Vs

1 THE UNION OF INDIA
REP. BY ITS PRINCIPAL SECRETARY,
MINISTRY OF HOME AFFAIRS,
GRIH MANTRALAYA (POLICE II DIVISION) NORTH BLOCK,
NEW DELHI.

2 THE CHAIRMAN
THE STAFF SELECTION COMMISSION,
BLOCK NO.12, CGO COMPLEX,
LODHI ROAD, NEW DELHI-110003.

3 THE CHAIRMAN
THE STAFF SELECTION COMMISSION (SOUTHERN REGION),
NO.68, 2ND FLOOR, EVK SAMPATH MAALIGAI BUILDING,
COLLEGE ROAD, SUBBA ROAD,
NUNGAMBAKKAM,
TAMIL NADU - 600 006.

4 THE DIRECTORATE GENERAL CRPF (RECRUITMENT BOARD),
CAST BLOCK-07, LEVEL-4, SECTOR-01,
R.K.PURAM, NEW DELHI-110066.



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5 THE DIRECTOR GENERAL OF POLICE (MEDICAL),
COMPOSITE HOSPITAL,
CENTRAL RESERVE POLICE FORCE,
AVADI, CHENNAI,
TAMILNADU.

6 THE MEDICAL OFFICER
CENTRAL RESERVE POLICE FORCE,
AVADI, CHENNAI,
TAMILNADU.

... RESPONDENTS

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 6th respondent in his proceedings Nil dated 28.07.2023 and quash the same as illegal and consequentially to direct the respondents to appoint the petitioner to the post of Constable in Central Armed Police Forces (CAPFs) NIA, SSF and Rifleman(GD) in Assam Rifles Examination, 2021 within the period that may be stipulated by this Honble Court.

ORDER : This Writ Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.MOHAMED SUHAIL, Advocate for M/S.AJMAL ASSOCIATES for the petitioner and of MR.K.GOVINDARAJAN, Deputy Solicitor General of India on behalf of the Respondents, the court made the following order:-

This writ petition has been filed challenging the order dated 28.07.2023 passed by the Medical Officer, Central Reserve Police Force, Chennai, who is the sixth respondent herein, stating that the petitioner is unfit for the post of Constable in Central Armed Police Forces (CAPF's), NIA, SSF and Rifleman (GD) in Assam Rifles Examination, 2021 on account of distant vision in both eyes compromised due to cataract in both eyes.



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2.The petitioner has applied to the post of Constable in Central Armed Police Forces (CAPF's), NIA, SSF and Rifleman (GD) in Assam Rifles Examination, 2021 and he has cleared the written examination successfully. Thereafter, he was called for the physical efficiency test, therein also the petitioner cleared all the tests and he moved to the next level of medical examination. In the medical examination, the petitioner was found to be unqualified, due to the refractive error of 6/18 due to formation of cataract. He was also asked to appear before the Review Medical Board, CRPF, Chandyangutta, Hyderabad, wherein he had undergone various tests and finally, his visual acuity was assessed to 6/6. Though it is normal, he was declared as medically unfit, due to formation of cataract in his eyes.

3.The learned counsel appearing for the petitioner submitted that the presence of cataract will not be a cause for rejection, due to which, his physical activity is not affected. The petitioner filed a writ petition in WP(MD)No.23629 of 2022 before this Court, which was also disposed by directing the petitioner to appear before the Review Medical Board allotted by the respondents. However, the Review Medical Board has opined that the petitioner has distant vision in both eyes compromised due to cataract in both eyes.

4.The learned counsel appearing for the petitioner further submitted that a similarly placed person has filed a writ petition in WP(MD)No.17478 of 2020, which



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was allowed on 03.04.2023, by placing reliance on the report given by the Regional Institute of Ophthalmology, Egmore, Chennai.

5.The learned Deputy Solicitor General of India appearing for the respondents submitted that the petitioner herein was already found to be unfit, on account of distant vision in both eyes compromised due to cataract in both eyes and therefore, his candidature has to be rejected.

6.Since the result of the petitioner's visual acuity is the deciding factor for the appointment, I feel that one more conformity can be done by allowing the writ petitioner to appear before the Regional Institute of Ophthalmology, Egmore, Chennai, for obtaining a report from the said Institution.

7.In view of the above, the petitioner is directed to appear before the Regional Institute of Ophthalmology, Egmore, Chennai, within a period of two weeks and the report shall be filed by the Regional Institute of Ophthalmology, Egmore, Chennai, in a sealed cover during next hearing.

8.Post the matter after four weeks.

sd/-
22/07/2024

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/07/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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THE OFFICER INCHARGE,
REGIONAL INSTITUTE OF OPHTHALMOLOGY,
EGMORE, CHENNAI.

+1. C.C. to M/S.AJMAL ASSOCIATES Advocate SR.No.36390[F] Dated 23/07/2024
ORDER
IN
WP(MD) No.24210 of 2023
Date :22/07/2024

RS/JGB/SAR-(29.07.2024) 6P 9C
Madurai Bench of Madras High Court is issuing
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