



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

% Date of decision: February 28, 2024

+ W.P.(C) 2933/2024 & CM APPL. 12088/2024

(51) SAGAR KUMAR KHOKHAR Petitioner

Through: Mr. Shanker Raju and
Mr. Nilansh Gaur, Advs.

versus

CENTRAL INDUSTRIAL SECURITY FORCE Respondent

Through: Mr. Vivek Sharma, Sr. Panel Counsel
with Ms. Perna Singh, Adv. and Ms.
Archana, Govt. Pleader for R1 with
SI Prahlad, SI Amit Kuamr and ASI
Banti, CISF.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 12088/2024

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2933/2024

1. This petition has been filed by the petitioner with the following prayers:

“In view of the submissions made above, it is most respectfully prayed that this Hon’ble Court may graciously be pleased to issue appropriate writ/direction to:



a) To set aside the impugned orders dated 27.12.2023 at Annexure P-1 and 30.12.2023 at Annexure P-2 and direct the Respondent to subject the Petitioner to a third medical examination by entertaining his second appeal regarding defective distant vision and medical examination be conducted in RR Hospital.

b) To direct the Respondent to process the case of the Petitioner for appointment, subject to the outcome of the Medical examination as prayed above.

c) Any order or further relief which this Hon'ble Court deems fit, just and proper in the peculiar circumstance of the case in the interest of justice may also please be awarded."

2. The challenge in this petition is to the conclusion drawn by the Medical Board as well as the Review Medical Board wherein the petitioner has been found unfit because of defective distance vision.

3. Mr. Shankar Raju, learned counsel appearing for the petitioner would submit that the result of the Medical Board and the Review Medical Board is at variance inasmuch as the Medical Board has concluded the power of right eye as 6/12 and of the left eye as 6/9, whereas the Review Medical Board has concluded the power of right eye as 6/9 and left eye as 6/6.

4. According to him, the Review Medical Board had not called the petitioner for physical examination. Even the opinion of the Ophthalmologist which has been taken is without the physical examination of the petitioner. He has drawn our attention to page 55 of the paperbook, where the 'Guidelines' for Review Medical



Examination are annexed, which contemplates the test result to be corroborated with confirmatory tests / investigations / opinion of specialists. In the absence of any confirmatory tests / investigations even the conclusion drawn by the Review Medical Board cannot be accepted.

5. An attempt has been made to rely upon the document at Annexure P-6 (Colly), which is an out patient card in the name of the petitioner of District Combined Hospital, Baghpat, Uttar Pradesh, India, wherein the power of right and left eye of the petitioner has been concluded as 6/6. We are unable to accept the same, as even if the petitioner has been examined in the said hospital, the name of the Doctor, his designation have not been reflected / stated there to determine, whether the Doctor was an Ophthalmologist. Even otherwise, we are of the view that since the grievance is only with regard to the defective eye vision, in the fitness of things and in the interest of justice, the petitioner is directed to be examined by the RR Hospital, Delhi, which shall constitute a Review Medical Board to test the eye vision of the petitioner.

6. Suffice to state, such a Board shall be constituted within a period of four weeks from today. The Respondent shall inform the petitioner within one week of the constitution of the Review Medical Board about the date and time for the examination of the petitioner. The petitioner shall appear before the Review Medical Board on the fixed date and time along with the relevant records. The reports which have been filed before this Court shall be placed for consideration of the Review Medical Board. The respondent shall also forward the



medical records of the petitioner to the RR Hospital, Delhi to be placed before the Review Medical Board. The Review Medical Board shall submit the report directly to the respondent with a copy thereof to the petitioner.

7. It is made clear that the parties shall be bound by the report of the Review Medical Board of the RR Hospital, Delhi and the same shall be treated as final.

8. In any case, if the petitioner is found fit by the Review Medical Board, the respondent shall, subject to the fulfillment of other eligibility conditions, appoint the petitioner to the post to which he has applied for, within a period of four weeks thereafter.

9. The petition is disposed of. No costs.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 28, 2024/jg