



2024:DHC:5161



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

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Date of Decision: 9th July, 2024+ **W.P.(C) 6276/2024****VIVEK KUMAR SINGH**

.....Petitioner

Through: Mr. Sunit Kumar Toppo and Mr.
Alok Raj, Advocates.

versus

AIRPORTS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Digvijay Rai, Mr. Archit Mishra,
Advocates with Mr. Deepak Tomar, AGM(Law)
and Mr. Yatinder Choudhary, Law Officer for
AAI.**CORAM:****HON'BLE MS. JUSTICE JYOTI SINGH****JUDGMENT****JYOTI SINGH, J. (ORAL)**

1. This writ petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“a. Issue a writ of mandamus or any other appropriate writ(s), order(s) or direction(s) directing the respondent to review and admit corrected/clarified medical records;

b. Issue a writ of mandamus or any other appropriate writ(s), order(s) or direction(s) directing the respondent to revoke the cancellation of candidature of the Petitioner;

c. Issue order(s) or direction(s) directing the respondent to stay the final result until revocation of cancellation of candidature of the petitioner by the respondent;

d. Pass any such order or direction which this Hon'ble Court may deem fit in the facts and circumstances of the case.”

2. Factual matrix to the extent necessary and relevant is that an Advertisement bearing No. 05/2023 was published by the Respondent/



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Airport Authority of India (AAI) for filling up 496 posts of Junior Executive (Air Traffic Control) which included both the reserved and unreserved categories. Petitioner applied against the advertisement as per the required format. The selection process included Computer Based Test, which was Objective Type Online Examination followed by Application Verification/Voice Test/Psychoactive Substances Test/Psychological Assessment Test/Medical Test and Background Verification or any other test as may be decided by the Competent Authority at any stage during the recruitment process.

3. Petitioner successfully cleared the Computer Based Test held on 27.12.2023, result of which was declared on 02.02.2024 and call letter was issued to him, after which he cleared the subsequent tests. On 05.03.2024, medical report was submitted by the Petitioner and on 22.04.2024, an e-mail was received by him that his candidature has been cancelled. Petitioner learnt that the cancellation was on the ground that Petitioner was in the medical category “CP4” i.e. colour blindness, though his vision was tested to be normal by the Doctor at the Government Hospital, Ambikapur, Chhattisgarh.

4. According to the Petitioner, a typographical error had occurred in the said medical report wherein by mistake it was written as “CP4” under the column ‘Colour Perception’ by one of the apprentices and after being re-tested, it was confirmed that the colour perception parameter fell under “CP2”, which is a normal medical condition. Petitioner furnished the corrected medical documents to the Respondent but there was no response. Without wasting any more time, Petitioner got himself medically examined from All India Institute of Medical Sciences, Delhi for an independent and



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neutral opinion and as per the medical opinion dated 29.04.2024, AIIMS opined that both eyes of the Petitioner were normal and he fell in the category of “CP2”, which would mean that his vision and colour vision were both normal. Getting no favourable response from the Respondent despite the two medical opinions, Petitioner filed the present writ petition.

5. The petition came up for admission before the Court on 03.05.2024 and by a detailed order, the Court directed the Medical Superintendent, Dr. Ram Manohar Lohia Hospital, Delhi to constitute a Medical Board to examine the Petitioner and carry out the necessary tests for rendering opinion on the colour vision test of the Petitioner. Petitioner was directed to present himself before the Medical Superintendent on 07.05.2024 for medical examination permitting a Senior Officer from the office of the Respondent, particularly, from the Department of Air Traffic Control/Communication Navigation and Surveillance to be present at the hospital. It was further directed that the medical report issued by the Government Hospital, Chhattisgarh and AIIMS shall also be made available to the Medical Board for consultation and the Medical Board shall thereafter render its opinion within three weeks and send the same in a sealed cover to the Registrar General of this Court. Significantly, the Court had directed the Respondent to keep one post of Air Traffic Controller in the OBC category reserved till the next date of hearing.

6. Sealed cover has been received from the Medical Superintendent, Dr. Ram Manohar Lohia Hospital, Delhi, containing the opinion of the Medical Board, which has been opened in the Court in the presence of the respective counsels and has been shown to both.



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7. Court has perused the opinion of the Medical Board, which reflects that both high-grade and low-grade colour vision of the Petitioner is normal and he is fit to be employed on the post in question. The document is taken on record. In view of the medical opinion, there is no impediment in allowing the present petition.

8. Accordingly, a writ of *mandamus* is issued to the Respondent to issue an offer of appointment to the Petitioner for appointment to the post of Junior Executive (Air Traffic Control) in the OBC category, within four weeks from today, subject to verification of his antecedents. Petitioner shall be paid pay and allowances from the date he joins duty on the said post. Seniority of the Petitioner shall be fixed along with his batch-mates in the order of merit, in accordance with law.

9. Writ petition is allowed and disposed of in the aforesaid terms.

JYOTI SINGH, J

JULY 09, 2024/DV/shivam