



\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12302/2024 & CM APPL. 51161/2024**
HITESHPetitioner
Through: Mr. Sushil Kumar Singh, Adv.

versus

UNION OF INDIA & ANR.Respondents
Through: Mr. Nirvikar Verma, SPC

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
01.10.2024

%

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India, challenging the rejection notice/memorandum dated 13.12.2023 issued by the respondent no.2, whereby the Medical Board declared the petitioner unfit for the post of Head Constable (Ministerial) in the CRPF on the ground that his distant vision of the right eye was 6/12 and of the left eye was 6/9. The petitioner had requested a review of the said findings given by the Medical Board, however, the petitioner was again declared unfit by the Review Medical Board *vide* report dated 22.12.2023, this time finding his right eye vision to be 6/9 and left eye vision to be 6/4.
2. Unsatisfied by the findings given by the Medical Board as well as the Review Medical Board, the petitioner got himself examined at a Civil Hospital in Bhiwani, Haryana, which reported his vision of the left eye as 6/6 and of the right eye as 6/6, finding his vision to be



perfect and not suffering from any defect. The petitioner, therefore, filed the present petition challenging the result of the medical examinations conducted by the Medical Boards constituted by the respondents, and seeking for further directions to the respondents to consider the case of the petitioner for recruitment to the post of Head Constable (Ministerial).

3. The learned counsel for the petitioner submits that the petitioner is fit in every aspect, as is evident from the Medical Report of the Civil Hospital at Bhiwani, Haryana. He contends that it is clear that there has been an error of judgment on the part of the Medical Boards conducted by the respondents and, thus, prays that the impugned Order dated 13.12.2023 is liable to be quashed and that the respondents be directed to consider the petitioner for recruitment to the abovementioned post.

4. The present petition was filed by the petitioner only on 02.09.2024. When the petition was listed before this Court for the first time on 04.09.2024, this Court found that there had been an inordinate delay in the filing of the present petition, and had granted time to the respondents to obtain instructions regarding the current status of the selection process.

5. The learned counsel for the respondents, on instructions, submits that the selection process for recruitment to the post of Head Constable (Ministerial) was completed on 12.01.2024 and the result was declared on 03.02.2024. He further submits that at present, there are no vacancies in the reserved category for Scheduled Caste, for which the petitioner had applied.



6. Keeping in view of the above submissions, we find that the petitioner has approached this Court at a belated stage, when the recruitment process has already been completed and the results have also been declared and posts filled. However, in the peculiar facts of the present case, it is directed that in the event the petitioner applies for the said post or any other post in any of the Central Armed Police Force in the future, the result of the Medical Examination dated 13.12.2023 and of the Review Medical Examination dated 22.12.2023 shall not come in the way of the petitioner in the selection process, and the petitioner shall be subjected to a fresh medical examination in accordance with law.

7. The petition is disposed of in the aforesaid terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 1, 2024/ss/b/DG

Click here to check corrigendum, if any