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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 12.11.2024***

+ W.P.(C) 15276/2024

SACHIN NEGI

.....Petitioner

Through: Mr. Ankur Chhibber, Mr.
Nikung Arora and Ms. Prahil
Sharma, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Brijesh Yadav, SPC with
Nikita, Adv. with Mr.
Devender, DC, ITBP.
Mr. Arun Dhiman, Adv.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 64214/2024**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. By way of the present petition, the petitioner challenges the report of the Detailed Medical Board Examination dated 26.09.2024, and the Review Medical Board Examination dated 30.09.2024, which declared the petitioner unfit for appointment to the post of Constable (GD).

4. The petitioner had applied for the post of Constable (GD) pursuant to the advertisement issued by the Staff Selection Commission for the post of Constable (GD) in the Central Armed



Police Forces, SSF, and Rifleman in the Assam Rifles, *vide* a Notification dated 24.11.2023. After having qualified in the Computer Based Test scheduled on 27.02.2024, as well as the subsequent Physical Efficiency Test and Physical Standard Test, the Detailed Medical Board Examination of the petitioner was held, which found the petitioner unfit for appointment on the two grounds, being “*Defective Colour Vision Unsafe type (CP IV)*” and “*Low Urine specific gravity 0.14 [(N) is 1.000 to 1.030]*”.

5. The Review Medical Board Examination, however, declared the petitioner unfit for appointment only on the account of “*Defective Colour Vision Unsafe Type (CP IV)*”.

6. The petitioner claims that he subsequently got himself examined at the Guru Nanak Eye Centre, New Delhi on 04.10.2024, where it was opined that his colour vision is normal.

7. Issue notice.

8. Mr. Brijesh Yadav, learned counsel for the respondents who appear on advance notice, submits that the opinion of the Medical Board of the respondents cannot be challenged simply based on the opinion of a civilian hospital, as the standards required in the Armed Forces are more stringent in nature.

9. We have considered the submissions made by the learned counsel for the parties, and given the difference in opinion between the Medical Boards appointed by the respondents and the opinion rendered by the Guru Nanak Eye Centre, New Delhi, we are of the opinion that the petitioner should be given a fair chance of a re-assessment of his vision by the Army Hospital (R&R), New Delhi. To



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that end, the respondents shall obtain an appointment for the petitioner's Medical Examination from the Registrar of the Army Hospital (R&R). The date for such examination should be scheduled two weeks from now, as we are informed that the petitioner is presently suffering from Dengue. The date and time of the appointment shall be duly communicated to the petitioner by the respondents through the learned counsel for the petitioner.

10. Needless to state, in case the fresh Medical Examination of the petitioner shows him to be fit for appointment, and subject to his fulfilling other conditions, the petitioner shall be allowed to participate in the further selection process pursuant to the notification dated 24.11.2023, without awaiting further orders of this Court.

11. In case the petitioner is found to be unfit in the said Medical Examination, the petitioner shall be bound by the said report and shall not be entitled to challenge the same.

12. The petition is disposed of in the above said terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 12, 2024/sds/KM/DG

Click here to check corrigendum, if any