

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19084 of 2017

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Chunchun Kumar Son of Upendra Prasad Singh, R/o Mahesh Prasad Singh
(M.P.S.) Science College, Muzaffarpur Police Station-Town, District-
Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Home, New Delhi.
2. The Director General of Police, CRPF, New Delhi.
3. The Deputy Inspector General of Police, New Delhi, Group Centre, Bhopal,
Madhya Pradesh.
4. The Deputy Inspector General of Police, New Delhi, Group Centre, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarva Deo Singh, Advocate
For the Respondent/s : Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
C.A.V JUDGMENT

Date : 31-10-2025

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for directing the respondents to consider the case of the petitioner for appointment on the post of Constable (Ministerial) arising out of advertisement of 2015-16.

3. The facts in brief are that the Central Reserves Police Force (C.R.P.F) having come out with an online advertisement in the year 2016 for recruitment to fill-up the current and backlog vacancies for the post of Head Constable (Ministerial) in C.R.P.F for the year 2015-16, the petitioner



applied online and cleared the physical test held on 8.7.2016 as also the written test conducted on 23.10.2016. Thereafter, the petitioner was also declared successful in the skill test held on 3.12.2016. As directed, the petitioner appeared for the medical test on 23.1.2017 and was declared unfit in the medical test on the ground of distance **Visual Acuity ('VA' in short)** having been found to be 6/12 and 6/18.

4. It is the case of the petitioner that he filed an appeal and also got himself medically examined in the Government Sadar Hospital at Muzaffarpur on 7.2.2017 where his vision was found to be 6/6 and 6/6.

5. It is the case of the petitioner that he applied before the Appellate Medical Board and appeared for review medical examination on 19.4.2017, however on the result being published, the name of the petitioner did no figure among the selected candidates. Learned counsel for the petitioner submits that the petitioner again got himself examined in the Regional Institute of Ophthalmology at the Indira Gandhi Institute of Medical Sciences (I.G.I.M.S) at Sheikhpura in Patna wherein also his VA was found to be 6/6 and 6/6.

6. In view of the above facts, it is submitted by



learned counsel for the petitioner that his VA being normal, the respondents be directed to issue appointment letter or in the alternative, the petitioner be examined by an Appellate Medical Board for review medical examination, if necessary. Reliance is placed by learned counsel for the petitioner on the judgment in the case of **Rajendra Shankar Shukla & Ors. vs. State of Chhattisgarh & Ors.; (2015) 10 SCC 400.**

7. Learned counsel for the respondent nos. 2 to 4 submits that the petitioner being an aspirant for the post of Head Constable (Ministerial) in the C.R.P.F for which the respondents had come out with an advertisement for filling up the vacancies, the process of recruitment was conducted from April, 2016 to September, 2017 at 37 C.R.P.F recruitment centers all over the country. The petitioner having been found medically unfit in the detailed medical examination held on 23.1.2017 due to eye deformity, he was not selected. Pursuant to an appeal filed by the petitioner, the petitioner was re-examined by a Board of Medical Officers at the Composite Hospital, C.R.P.F, New Delhi on 19.4.2017 wherein once again his distance VA was found to be 6/12 in the right eye and 6/18 in the left eye and he was thus declared unfit. Learned counsel for the respondents submits that in view of



being physically unfit, the petitioner is not eligible for selection for the post he applied for. There is no merit in the instant application and the same be dismissed. Reliance is placed on the judgment dated 21.12.2020 of the Delhi High Court in the case of **KM. Priyanka vs. Union of India & Ors. [W.P.(C) 10783/2020]**.

8. Heard learned counsel for the petitioner and learned counsel for the respondents.

9. The facts in brief are that the respondents having proceeded with an online recruitment drive to fill-up current and backlog vacancies for the post of Head Constable (Ministerial) in C.R.P.F for the year 2015-16, pursuant to an advertisement having been published, the petitioner applied for the post of Head Constable (Ministerial) and cleared the physical test, the written test as also the skill test.

10. On appearing for the medical test, the petitioner was found unfit on account of his low distance VA being 6/12 and 6/18. It may be noted here that the Central Reserves Police Force, Assistant Sub-Inspector (Steno) and Head Constable (Ministerial) Recruitment Rules, 2000 made as per powers conferred by section 18 of the C.R.P.F Act, 1949 provides for the method of recruitment, age limit,



qualification as also other matters relating to appointment including the medical fitness required. The Schedule of the said Rules provides for the medical standard of the eye sight which states that the minimum distant vision should be 6/6 in one eye and 6/9 in other eye without correction ie without wearing of glasses or lenses.

11. It is the case of the petitioner that the Medical Board had wrongly examined the low distance VA in his eye as 6/12 and 6/18 for which the petitioner filed an appeal. To substantiate his submission with respect to the incorrect finding by the medical team of the respondent C.R.P.F, learned counsel for the petitioner placed reliance on the eye test reports conducted at the Sadar Hospital, Muzaffarpur and at the I.G.I.M.S, Sheikhpura, Patna.

12. It may be mentioned here that the petitioner was medically examined by the Medical Board of the C.R.P.F on 24.1.2017 and his low distance VA was found to be 6/12 and 6/18. This was below the required minimum standard of eye sight as provided under the C.R.P.F Recruitment Rules of the year 2012. It further transpires that from the candidates' medical examination report brought on record as Annexure-A to the counter affidavit that the examination of the petitioner



on 23.1.2017 finding him to be unfit was conducted by a Board of as many as five members. Further on the review/appeal having been filed by the petitioner, the review medical examination was conducted by a Board of three doctors on 21.4.2017 where they once again declared the petitioner to be unfit having found that the petitioner had undergone refractive surgery in both the eyes. Further pursuant to the directions of this Court, a review medical examination of the petitioner was once again conducted on 16.4.2019 by a team of three doctors at the Composite Hospital, C.R.P.F, Muzaffarpur wherein again the petitioner was found unfit on account of having undergone visual correction by lasik surgery in both eyes.

13. So far as the judgment relied on by learned counsel for the petitioner in the case of **Rajendra Shankar Shukla** (*supra*) and more particularly paragraph no.47 thereof is concerned, the same has no application in the facts and circumstances of the instant case.

14. On the other hand, it would be relevant to quote the relevant paragraphs of the judgment in the case of **KM. Priyanka** (*supra*) relied on by learned counsel for the respondents which is as follows :-

“8. We have on several occasions observed that



the standard of physical fitness for the Armed Forces and the Police Forces is more stringent than for civilian employment. We have, in Priti Yadav Vs. Union of India 2020 SCC OnLine Del 951; Jonu Tiwari Vs. Union of India 2020 SCC OnLine Del 855; Nishant Kumar Vs. Union of India 2020 SCC OnLine Del 808 and Sharvan Kumar Rai Vs. Union of India 2020 SCC OnLine Del 924, held that once no mala fides are attributed and the doctors of the Forces who are well aware of the demands of duties of the Forces in the terrain in which the recruited personnel are required to work, have formed an opinion that a candidate is not medically fit for recruitment, opinion of private or other government doctors to the contrary cannot be accepted inasmuch as the recruited personnel are required to work for the Forces and not for the private doctors or the government hospitals and which medical professionals are unaware of the demands of the duties in the Forces. In fact, the case of Priti Yadav (supra) also related to 'cubital valgus'. It is also to be noted that the specialists that the petitioner had consulted had also found that the petitioner suffered from 'cubital valgus' and therefore, the findings by the Medical Boards were not wrong.

9. What may seem as a minor difference in the assessment of the Civil doctors in comparison to the assessment of the Medical Boards, may blow up into a serious health condition during the course of service with the CAPFs. It is not in the interest of either the Police Forces or candidates that their medical problems are brushed aside only on the plea that it was a question of employment. The general health of candidates would be permanently impacted due to the stress, both physical and mental, on account of these medical shortcomings. On the other hand, the government would be saddled with a Police Force where such personnel would seek soft postings because of their health conditions and



low medical category. This would lead to dissatisfaction amongst the personnel in the Forces as some people, who ought not to have been taken into the Forces, would always benefit, whereas the others would be mostly faced with hard postings and duties.

10. The petitioner has availed of all opportunities to get a second opinion during the Appeal/Review Medical Board and there is no purpose left in getting a further medical examination conducted.”

15. Thus in the facts and circumstances of the case, the petitioner having been found medically unfit for appointment, having been given the opportunity for a review medical examination and once again having been found unfit on account of having undergone corrective surgery for the medical issues in both the eyes, the Court finds that the petitioner has not made out any case for grant of relief in the instant application.

16. There is no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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AFR/NAFR	
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