

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 8859 of 2025

Prabhash Ranjan
Vs.
Coal India Limited & Ors.

For the petitioner	:	Mr. Soumya Majumder Ms. Sanjukta Dutta Mr. Kinnor Ghosh.
For the Respondent Nos. 1 and 2 & 5 to 7	:	Ms. Amrita Pandey Mr. Ghanshyam Pandey Ms. Sneha Singh.
For the Respondent Nos. 3 and 4	:	Mr. Ayon Poddar Mr. Soham Dutta Ms. Khusboo Ruia.

Heard on : May 07, 2025

Judgment on : May 07, 2025

Aniruddha Roy, J. :

Facts:

1. The petitioner is a qualified doctor.
2. Pursuant to a notification dated **February 29, 2024, Annexure-P1 at page 14** to the writ petition issued by the **Coal India Limited** (for short

CIL) the petitioner applied for recruitment for the post of **Senior Medical Officer (E-3)** [for short the said post]. This is an executive cadre.

3. The terms and conditions for the recruitment, *inter alia*, includes that, the Medical Executive is required to attend medical emergencies in mines/projects/establishments/hospitals and provide occupational health services for cohort of mines and stakeholders. The terms and conditions are enumerated in detail with the nature of job in the said recruitment notice.
4. The **Medical Attendance Rules – CIL, Annexure-P3 at page 23** to the writ petition, *inter alia*, provides that, Night Blindness and **Colour Blindness** of a candidate will be tested to ascertain whether or not the candidate suffers from Night Blindness. Tests also should be done for **Colour Blindness**.
5. In course of the medical examination, the petitioner was found to have been suffering from **Colour Blindness**. The record shows that, the petitioner preferred a further medical examination (**re-examination**), as provided for under the rules. The **re-examination** was done on **February 14, 2025**, as would be evident from a Medical Report, **Annexure-P6 at page 33** to the writ petition. On the basis of the Medical Examination Report the candidature of the petitioner was **rejected** by a communication dated **December 2, 2024, Annexure-P5 at page 32** to the writ petition, on the solitary ground that, as the petitioner was found to be **medically unfit due to colour blindness**.

6. Challenging the said rejection, the petitioner has filed the instant writ petition.

Submission :

7. Ms. Sanjukta Dutta, learned Advocate for the petitioner submits that, neither in the recruitment notice nor in the medical guidelines, it has been stipulated that Colour Blindness will be a disqualification for the post of Senior Medical Officer, for which the petitioner has applied.

8. Ms. Dutta, learned Advocate refers to a circular dated **December 6, 2001, Annexure-P7 at page 34** to the writ petition. Referring to the same, she submits that, the said circular was issued by the respondent no.3 regarding the employment/non-employment of persons suffering from Colour Blindness. She submits that, this circular does not specify that, Colour Blindness will be a disqualification for the post of Senior Medical Officer, for which the petitioner was an aspirant.

9. Referring to a communication of **CIL** dated **August 3, 2022 at page 36** to the writ petition, learned Advocate Ms. Dutta submits that, Colour Blindness will be acceptable for employment under **Group B**. Therefore, a uniform rule has to be applied and Colour Blindness, accordingly, should not be a disqualification for recruitment of the petitioner for the post of Senior Medical Officer at the executive cadre.

10. Learned Advocate for the petitioner submits that, the rule of selection process must be uniform for every cadre and the same cannot be changed or discriminatorily used for a particular cadre, as the law is well settled

that, **Rule of the Game** should be one and should not be changed. She further submits that, since the Colour Blindness is not specifically provided as a disqualification clause anywhere, the same should not be included as a disqualification clause and should be deemed to have been excluded from the recruitment conditions.

11. Referring to **page 23**, the **Medical Attendance Rules**, she further submits that, the minimum physical fitness condition is related for the employees directly connected with the coal mining job and the Senior Medical Officer for which the petitioner has applied, the same is not directly connected with the mining job. The respondents have travelled beyond their existing norms and circulars and rejected the candidature of the petitioner. For the purpose of applying Medical Attendance Rules, the clauses are mentioned therein and the post for which the petitioner was the aspirant does not come within the purview of those categories of cadres on which the Medical Attendance Rules shall apply.

12. In the light of the above, the petitioner prays for quashing of the rejection order passed by the authority and prays for the recruitment.

13. Ms. Amrita Pandey, learned Counsel appearing for the respondent nos. 1, 2 and 5 to 7, at the outset, refers to the said recruitment notification for Medical Executive dated **February 29, 2024** and submits that, a Medical Executive is required to attend medical emergencies, *inter alia*, in mines. Therefore, it is incorrect to contend on behalf of the petitioner that for the post he is an aspirant and if he is recruited shall not have to do any work

relating to mines. Thus, the contention of the petitioner that, the Colour Blindness shall be considered as a disqualification only for the earmarked cadre under the Medical Attendance Rules at **page 23** to the writ petition, is not tenable in law and on facts.

14. Referring to **Clause 16** from **page 21** of the recruitment notification Ms. Pandey submits that, the aspirants under the relevant selection process are mandatorily required to undergo a medical examination. After such examination is held, the report of the medical experts holding the examination shall be final and on the basis of the same the fate of the recruitment of the aspirant will depend. In the instant case, the report of the Medical Board clearly shows that, the petitioner was found to be Colour Blind and on the basis of that, the candidature of the petitioner was rejected. She submits that, the petitioner has applied for the executive cadre being **Senior Medical Officer (E-3)**. The petitioner falls under **category A** of the executive cadre. Hence, the circular dated **December 6, 2001** at **page 34** to the writ petition, which was exclusively meant for the **non-executive cadre** shall have no application whatsoever, while considering the case of the petitioner for recruitment.

15. In the light of the above, Ms. Pandey, learned Counsel submits that, this writ petition is devoid of any merit and should be dismissed.

16. Mr. Ayan Poddar, learned Counsel appearing for the respondent nos. 3 and 4 has placed the prevailing Medical Attendance Rules under which the candidature of the petitioner has been considered, the same is taken on

record. **Sub-Clause (d)** to **Clause (xiii)** of the said Medical Guidelines Rules, at **page 627** to writ petition, specifically provides that, tests also should be done for Colour Blindness. The said provision further provides that, all persons being considered for employment will compulsorily have to be examined for Colour Blindness. However, Colour Blindness will be acceptable for employment under **Group B**. He submits that, the petitioner was an aspirant for **Group A** executive cadre as Senior Medical Officer. Therefore, the said relaxation is not permissible for the cadre for which the petitioner was the aspirant. He also prays for dismissal of the writ petition.

Decision :

16. After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that, the inescapable admitted facts are that, the petitioner was an aspirant for executive cadre for the post of **Senior Medical Officer (E-3)** and not for **Group B** cadre. The next admitted fact is that, the petitioner suffers from Colour Blindness, as would be evident from the report of the medical experts prepared in course of the recruitment process after physically examining the petitioner.

17. The recruitment terms, as would be evident from the recruitment notification, *inter alia*, provides that, the job of a **Senior Medical Officer (E-3)** includes to attend medical emergencies in **mines**. The circular dated **December 3, 2001** at **page 34** to the writ petition though is restricted for

non-executive cadre admittedly, but on a plain reading it also appears that, Colour Blindness was treated as a disqualification for the persons who shall work with the mining job. In any event, the said circular will not apply for the executive cadre for which the petitioner was an aspirant. Hence, this circular would have no relevance or material bearing for the petitioner.

18. The contention of the petitioner that the recruitment rules have to be applied uniformly, in the facts of this case, is not acceptable to this Court. The reasons being the recruitment rules for the **executive cadre** and the **non-executive** cadre are different in the instant case. The petitioner being an aspirant for the executive cadre will have to be governed by the rules relating to the executive cadre only. Therefore, the Medical Attendance Rules relied upon by the petitioner at **page 23** to the writ petition, would have no relevance and would render no assistance to the petitioner, in the facts and circumstances of this case.

19. This Constitutional Court in exercise of its Constitutional power under judicial review under Article 226 of the Constitution of India, shall not and cannot sit on appeal over an expert's opinion. The Court is not a medical expert. After a detailed medical examination the medical experts have opined that, the petitioner suffers from Colour Blindness. This Court in judicial review cannot substitute the opinion of the experts with any other opinion. The Senior Medical Officer, who has to attend the medical

emergency even in mines and also to attend diverse medical issues clinically, should be a physically fit person in every respect.

20. While exercising power under Article 226 of the Constitution of India, this Constitutional Court also exercises its equitable jurisdiction. A candidate suffering from Colour Blindness cannot be considered, in equity also, for the post of a Senior Medical Officer, who has to attend all critical medical emergencies in every respect, as discussed above.

21. Colour Blindness in the facts of this case considering the nature of job to be performed by the Senior Medical Officer, the rejection of candidature of the petitioner on the ground of Colour Blindness is just and proper, in the considered view of this Court.

22. In view of the foregoing reasons and discussions, this Court is of the firm and considered view that, there is no infirmity in the order of rejection dated **December 2, 2024, Annexuer-P5 at page 32** to the writ petition **rejecting** the candidature of the petitioner.

23. Accordingly, the order of **rejection is not interfered** with, the same stands **affirmed**.

24. Thus, this writ petition, **WPA 8859 of 2025** stands **dismissed**, without any order as to costs.

25. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)