



2025:DHC:10764-DB



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

Reserved on: 20th AUGUST, 2025

Pronounced on: 28th NOVEMBER, 2025

IN THE MATTER OF:

+ **W.P.(C) 9556/2018**

ANJAR ALI KHAN AND ORS.

.....Petitioners

Through: Mr. Rajat Arora, Mr. Niraj Kumar,
Mr. Sourabh Mahla, Advocates.
Mr. Rajesh Kumar Singh, Advocate
for Petitioner-3.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Prasanta Varma, SCGC along
with Ms. Richu Advocate and Insp.
Prahlad Devendra

+ **W.P.(C) 9620/2018**

JAIY PRAKASH SHAU

.....Petitioner

Through: Mr. Rajesh Singh, Advocate

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Arti Bansal, SPC, Ms. Shruti
Goel, Advocate

+ **W.P.(C) 1517/2020, CM APPL. 5290/2020**

SUMIT KUMAR SINGH & ORS

.....Petitioners

Through: Mr. Rajat Arora, Mr. Niraj Kumar,
Mr. Sourabh Mahla, Advocates.



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versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Gigi C George SPC, Mr. Sunil Kumar, Advocate.
Mr. R L Meena, Dy Commandant and
Mr. S K Bharti, CISF

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

SUBRAMONIUM PRASAD, J.

1. The instant writ petitions have been filed challenging the termination orders issued to the Petitioners in W.P. (C) No. 9556/2018, W.P. (C) No. 9620/2018 and W.P. (C) No. 1517/2020, by their respective commandants.
2. Since all the three writ petitions involve a common challenge, this Court shall dispose them by way of a common judgment. For the sake of convenience, the three Petitioners in W.P. (C) No. 9556/2018, one in W.P. (C) No. 9620/2018 and the nine petitioners in W.P. (C) No. 1517/2020 shall be collectively referred to as “**Petitioners**,” unless the context otherwise requires. For further clarity, this Court shall adopt the factual and procedural matrix of the W.P. (C) No. 9556/2018.
3. Shorn of unnecessary details, the relevant facts leading to the filing of the writ petitions in question are as under:

- (i) The Ministry of Home Affairs [“**MHA**”] issued the ‘New Policy Guidelines on recruitment/retention in respect of Central Armed Police Forces [“**CAPFs**”] and Assam Rifles [“**AR**”] personnel



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having defective vision including color blindness' dated 27.02.2013 [**"2013 Guidelines"**], which reads as under:

"Date the 27th Feb, 2013

ORDER

Sub: New Policy Guidelines on recruitment/retention in respect of Central Armed Police Forces (CAPFs) and Assam Rifles (ARs) personnel having defective vision including colour blindness-regarding.

The Standing policy of the Government is that only persons who are fully fit in all respects i.e. in SHAPE-I are to be recruited to the CAPFs and AR. It is and has always been the standing policy of the Government that if any member of the CAPFs and AR is declared permanently unfit while in service, he is boarded out from service. The reasons for this are very clear. The personnel of the CAPFs and AR are issued with lethal weapons and are expected to use lethal force against insurgents and terrorists. If any of the personnel of the CAPFs and AR is not fully fit, he will either not be able to protect himself or his colleagues in a battle with insurgents/terrorist groups or he will run the risk of killing innocent people especially if his eyesight is weak and he cannot distinguish between uniforms, etc. The policy of boarding out personnel who had been declared unfit applies to all types of unfitness whether it be unfitness in physical parameters or in any other SHAPE component and that is how it should have remained. However, in the years 1991, 1997, 2002, 2008, 2011 and 2012, various orders were issued saying that those who had been recruited prior to a particular date and were found to be colour blind at a later stage, would not be boarded out while those recruited after that date would be boarded out. This marked a departure/an exception from the standing policy and this departure/exception was not in the public interest- these departures were also bad in law because no



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policy could apply retrospectively. For the above reasons, it has been decided as follows:-

- (i) The circulars/orders/instructions issued by the Ministry of Home Affairs or by any of the Central Armed Policy Force (CAPFs) and Assam Rifle (AR) vide communication No.R.II-31/91-E-II dated 16.5.1991, No.R.II-31/97-E-II dated 12.6.1997, No.1-45020/52/2001 Part II dated 17.5.2002, No.I-45024/1/2008-Part II dated 29.10.2008, No.I-45024/1/20080 Part II dated 11.3.2011 and No.I-45024/1/2008-Part II dated 8.12.2001 are withdrawn with immediate effect. Further, any reference to the colour blindness especially Para -5 and 6, including those for the gazette officers contained in New Visual Standard Policy No.1-45024/1/2008-Para II dated 18.5.2012 also stands withdrawn with immediate effect.*
- (ii) Any person who has defective vision or is colour blind will not be recruited in future. If any person is wrongly recruited despite having defect in vision or despite being colour blind, he will be promptly removed from service as soon as the defect is noticed. The Doctor who declared him fit will be proceeded against in Departmental Proceedings for major penalty. The person who was wrongly recruited will not be allowed to continue to take advantage of this wrong act, and the Govt cannot be bound by the wrong act of any of its functionaries.*
- (iii) It is, however, clarified that the present directions will only apply prospectively. Those personnel recruited earlier and thereafter found to be colour blind will not be boarded out on account of colour blindness. But, it is reiterated that, any person recruited herein after, if found*



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colour blind even after recruitment shall promptly be boarded out of service. Keeping in view the directions of the Hon'ble High Court and in public interest, the services of the colour blind personnel recruited prior to 18.5.2012, would be utilized for the jobs where public safety issues are not involved. Some of the posts/cadres identified for such personnel by CAPFs are enlisted in the Annexure-1.

- (iv) *As the Colour Blindness is a congenital disease, to obviate the induction of colour blind personnel in CAPFs and Assam Rifles by error or by manipulation in any of the future recruitments, an undertaking shall be taken from all the selected candidates at the time of joining that if at any stage of their service career, if they are found to be colour blind they will be boarded out as per the SHAPE Policy in vogue."*
- (ii) The Petitioners herein were recruited for the post of Constable (General Duty) ["Ct/GD"] in the Central Industrial Security Force ["CISF"], after participating in the recruitment process which commenced pursuant to an advertisement in the year 2015.
- (iii) Upon qualifying the Physical Standard Test, the Petitioners appeared in the written examination, in which they were declared successful. Thereafter, the Petitioners underwent a Medical Examination, in which they were found 'fit' for service and accordingly, were offered the post of Ct/GD in the CISF as per the published merit list.
- (iv) Based on their selection, the Petitioners were issued appointment letters directing them to report at their respective Recruitment



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- Training Centers for basic training. These appointment letters specified that the Petitioners would be on probation for two years and the Appointing Authority may discharge any candidate at any time during the period of probation, if the candidate's work/conduct during the said probation period is considered 'unsatisfactory' or shows that the candidate is not fit for permanent appointment.
- (v) After the Petitioners reported at their respective training centers, a Color Blindness Test of all the candidates was conducted at the CISF Hospital, wherein the Petitioners were found to be suffering from 'defective color vision'.
- (vi) Names of the Petitioners were thereafter forwarded to the Deputy Inspector General/Director Medical, who directed the Petitioners to undergo a Review Medical Examination, wherein the Petitioners were again declared 'unfit' due to 'defective color vision'.
- (vii) Having been found as such, services of the Petitioners were terminated by their respective Commandants, in exercise of the power vested in them under Rule 25 of the CISF Rules, 2001, as follows:

Serial No.	Name of the Candidate	Date of Appointment	Date of Termination Order
1.	Anjar Ali Khan	16.03.2017	02.12.2017
2.	Bibek Kumar Singh	16.03.2017	02.12.2017
3.	Ajay Kumar	16.03.2017	02.12.2017



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(viii) Aggrieved by the termination orders, the Petitioners filed appeals under Rules 46 & 47 of the CISF Rules, 2001, which came to be rejected in light of the 2013 Guidelines.

4. Material on record indicates that the Petitioners, being aggrieved by the rejection of their appeals against the termination orders, approached this Court *vide* W.P. (C) 4846/2018, 4847/2018 and 4848/2018. However, the said writ petitions came to be withdrawn by the Petitioners, though their rights to challenge the 2013 Guidelines were reserved.

5. Thereafter, the Petitioners preferred the instant writ petition with prayers similar to those contained in the abovementioned withdrawn writ petitions. However, when the instant writ petitions came up for hearing on 12.09.2018, this Court granted permission to amend the prayers of the Petitioners by way of an application. Consequently, an application seeking amendment of the prayer clause was filed by the Petitioners, by way of which the following prayers are being sought:

“i) To quash the order/guidelines dated 27-2-2013 issued by the Govt. of India vide F NO.45024/1/2008 Pers-II

ii) Set aside/quash the letter/termination order dated 2.12.2017 and Order dated 4.2.2018, 5.2.2018 and 24.3.2018 passed by the appellate authority affirming the termination and direct the respondent administration to reinstate the petitioners in services;

iii) Pass such order or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”



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6. Accordingly, the challenge before this Court is two-folded – one being the challenge to the termination orders and other to the constitutional validity of the 2013 Circular.

7. Learned Counsel appearing for the Petitioners has broadly made the following submissions in pursuance of their prayers:

- (i) The issue of retention of color-blind personnel recruited by the Respondents/CISF has attained judicial quietus in light of the observations of a Coordinate Bench of this Court in Sudesh Kumar v. Union of India in **W.P. (C) No. 5077/2008** decided on 22.03.2011, Suresh Ram v. Union of India in **W.P. (C) No. 4561/2013** decided on 22.07.2013 and P. Suresh Kumar v. Union of India & Ors. in **W.P. (C) No. 356/2013**.
- (ii) Once the Petitioners were declared medically fit for the post of Ct/GD, the termination orders passed after the completion of more than seven months of training is illegal and contrary to the law laid down by the High Court of Calcutta in Mintu Mondal v. Union of India & Ors. in **W.P. 14868 (W) of 2016**.
- (iii) There is no *intelligible differentia* in the cut-off dates mentioned in the 2013 Guidelines, inasmuch as the Respondents/CISF could not put an embargo on only those candidates who have been recruited after the passing of the 2013 Guidelines, and not on those who have been recruited before 18.05.2012.
- (iv) Termination of the Petitioners is not a ‘simpliciter termination’, since the same is punitive in nature.
- (v) The termination orders violate the doctrine of legitimate expectation, as the Respondents/CISF have terminated the



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Petitioners after selecting them in 2017, and then falling back to the 2013 Guidelines.

8. No other arguments, vis-à-vis recruitment to alternate posts etc., were advanced on behalf of the Petitioners.

9. *Per contra*, learned SPC appearing for the Respondents/CISF has submitted as under:

- (i) The Petitioners were not part of the regular service of CISF at the time when the termination orders were passed.
- (ii) Any candidate who suffers from color blindness in a disciplined organization like CISF and is posted in sensitive areas can result in hazardous consequences, as identification of colors is an important ability.
- (iii) The issue of termination of a selected candidate found to be suffering from color blindness has been decided by the judgment passed by a Coordinate Bench of this Court in Abhilash Kumar &Ors. v. Union of India &Ors. in **W.P. (C) No. 879/2018** delivered on 16.10.2018. The Coordinate Bench, while considering the 2013 Guidelines upheld the order of termination passed by the concerned authority therein, also observed that the yardstick adopted by the Indian Army for recruiting personnel is not the same as the one adopted by CISF.
- (iv) The Petitioners furnished a self-declaration at the time of medical examination, to the effect that if at all it is found that the information given by them is proved to be false, they would face the consequences as per law.



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10. Heard the learned counsels for the parties and perused the material on record.

11. First and foremost, this Court shall deal with the constitutional challenge to the 2013 Guidelines that has been pleaded by the Petitioners, as adjudication thereof would have a direct bearing on the outcome of the second challenge, which is to the validity of the termination orders passed by the Respondents/CISF.

12. Reference at the very outset is bound to be made to the judgment of the Apex Court in T.N. Education Deptt. Ministerial & General Subordinate Services Assn. v. State of T.N., (1980) 3 SCC 97, which provides a foundational insight into the jurisprudential background of service law:

“7. In Service Jurisprudence integration is a complicated administrative problem where, in doing broad justice to many, some bruise to a few cannot be ruled out. Some play in the joints, even some wobbling, must be left to government without fussy forensic monitoring, since the administration has been entrusted by the Constitution to the executive, not to the court. All life, including administrative life, involves experiment, trial and error, but within the leading strings of fundamental rights, and, absent unconstitutional “excesses”, judicial correction is not right. Under Article 32, this Court is the constitutional sentinel, not the national ombudsman. We need an ombudsman but the court cannot make-do.”

13. Keeping in mind that no organ of the State can usurp the functions assigned to another, this Court recalls the judgment of the Apex Court in Asif Hameed and Ors. v. State of Jammu and Kashmir and Ors., 1989 Supp (2) SCC 364, which provides an overview for the *modus operandi* to be



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adopted by the court, when a State action is challenged. The relevant observations are as under:

“17. Before adverting to the controversy directly involved in these appeals we may have a fresh look on the inter-se functioning of the three organs of democracy under our Constitution. Although the doctrine of separation of powers has not been recognised under the Constitution in its absolute rigidity but the Constitution makers have meticulously defined the functions of various organs of the State. Legislature, Executive and Judiciary have to function within their own spheres demarcated under the Constitution. No organ can usurp the functions assigned to another. The Constitution trusts to the judgment of these organs to function and exercise their discretion by strictly following the procedure prescribed therein. The functioning of democracy depends upon the strength and independence of each of its organs. Legislature and executive, the two facets of people's will, they have all the powers including that of finance. Judiciary has no power over sword or the purse nonetheless it has power to ensure that the aforesaid two main organs of State function within the constitutional limits. It is the sentinel of democracy. Judicial review is a powerful weapon to restrain unconstitutional exercise of power by the legislature and executive. The expanding horizon of judicial review has taken in its fold the concept of social and economic justice. While exercise of powers by the legislature and executive is subject to judicial restraint, the only check on our own exercise of power is the self-imposed discipline of judicial restraint.

18. Frankfurter, J. of the U.S. Supreme Court dissenting in the controversial expatriation case of Trop v. Dulles, 356 US 86 observed as under:



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"All power is, in Madison's phrase, "of an encroaching nature". Judicial power is not immune against this human weakness. It also must be on guard against encroaching beyond its proper bounds, and not the less so since the only restraint upon it is self-restraint..."

Rigorous observance of the difference between limits of power and wise exercise of power – between questions of authority and questions of prudence – requires the most alert appreciation of this decisive but subtle relationship of two concepts that too easily coalesce. No less does it require a disciplined will to adhere to the difference. It is not easy to stand aloof and allow want of wisdom to prevail to disregard one's own strongly held view of what is wise in the conduct of affairs. But it is not the business of this Court to pronounce policy. It must observe a fastidious regard for limitations on its own power, and this precludes the Court's giving effect to its own notions of what is wise or politic. That self-restraint is of the essence in the observance of the judicial oath, for the Constitution has not authorized the judges to sit in judgment on the wisdom of what Congress and the Executive Branch do."

19. When a State action is challenged, the function of the court is to examine the action in accordance with Law and to determine whether the legislature or the executive has acted within the powers and functions assigned under the Constitution and if not, the court must strike down the action. While doing so the court must remain within its self-imposed limits. The court sits in judgment on the action of a coordinate branch of the Government. While exercising power of judicial review of administrative action, the court is not an appellate authority. The Constitution does not permit the court to direct or advise the executive in matters of



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policy or to sermonize qua any matter which under the Constitution lies within the sphere of legislature of executive, provided these authorities do not transgress their constitutional limits or statutory powers.”

[Emphasis Supplied]

14. The above position has been further developed in the judgment of the Apex Court in State of Punjab v. Ram LubhayaBagga, (1998) 4 SCC 117. The relevant observations of the Apex Court are as under:

“25. Now we revert to the last submission, whether the new State policy is justified in not reimbursing an employee, his full medical expenses incurred on such treatment, if incurred in any hospital in India not being a government hospital in Punjab. Question is whether the new policy which is restricted by the financial constraints of the State to the rates in AIIMS would be in violation of Article 21 of the Constitution of India. So far as questioning the validity of governmental policy is concerned in our view it is not normally within the domain of any court, to weigh the pros and cons of the policy or to scrutinize it and test the degree of its beneficial or equitable disposition for the purpose of varying, modifying or annulling it, based on howsoever sound and good reasoning, except where it is arbitrary or violative of any constitutional, statutory or any other provision of law. When Government forms its policy, it is based on a number of circumstances on facts, law including constraints based on its resources. It is also based on expert opinion. It would be dangerous if court is asked to test the utility, beneficial effect of the policy or its appraisal based on facts set out on affidavits. The court would dissuade itself from entering into this realm which belongs to the executive. It is within this matrix that it is to be seen whether the new policy violates Article 21 when it restricts reimbursement on account of its financial constraints.”



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[Emphasis Supplied]

15. In the case of Directorate of Film Festivals v. Gaurav Ashwin Jain, (2004) 4 SCC 737, the Apex Court held as under:

“16. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review.”

[Emphasis Supplied]

16. While optimistically affirming the judgment in Asif Hameed (supra), the Apex Court in State of Orissa v. Gopinath Dash, (2005) 13 SCC 495, held as under:

“6. The correctness of the reasons which prompted the Government in decision making taking one course of action instead of another is not a matter of concern in judicial review and the Court is not the appropriate forum for such investigation.

7. The policy decision must be left to the Government as it alone can adopt which policy should be adopted after considering all the points from different angles. In matter of policy decisions or exercise of discretion by the Government so long as the infringement of



fundamental right is not shown Courts will have no occasion to interfere and the Court will not and should not substitute its own judgment for the judgment of the executive in such matters. In assessing the propriety of a decision of the Government the Court cannot interfere even if a second view is possible from that of the Government.

8. *The Court should constantly remind itself of what the Supreme Court of the United States said in Metropolis Theatre Company v. City of Chicago (1912) 57 L Ed 730;*

"The problems of Government are practical ones and may justify, if they do not require, rough accommodations, illogical it may be, and unscientific. But even such criticism should not be hastily expressed. What is the best is not always discernible, the wisdom of any choice may be disputed or condemned. Mere errors of government are not subject to our judicial review."

17. Reference is also made to the judgment of the Apex Court in Ugar Sugar Works Ltd. v. Delhi Admn., (2001) 3 SCC 635, wherein the following observations were made:-

"18. ...It is well settled that the courts, in exercise of their power of judicial review, do not ordinarily interfere with the policy decisions of the executive unless the policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc. Indeed, arbitrariness, irrationality, perversity and mala fide will render the policy unconstitutional. However, if the policy cannot be faulted on any of these grounds, the mere fact that it would hurt business interests of a party, does not justify invalidating the policy. In tax and economic regulation cases, there are good reasons for judicial restraint, if not judicial deference, to judgment of the executive. The courts are not expected



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to express their opinion as to whether at a particular point of time or in a particular situation any such policy should have been adopted or not. It is best left to the discretion of the State.”

18. The position that emerges from the above case laws, is that policy decisions are open for judicial review *albeit* for a very limited purpose. This Court has leeway to interfere into the realm of policy matters of the Government, if the policy in question is absolutely capricious and non-informed by reasons, or totally arbitrary, offending the basic requirement of Article 14 of the Constitution of India.

19. In terms of the aforementioned observations of the Apex Court, it is clear that it is a constitutional obligation of the Court to examine that in the framing of policy, no law is violated, nor are the people's fundamental rights transgressed upon, except to the extent permissible under the Constitution of India.

20. Since the Petitioners' challenge to the 2013 Guidelines is mainly that it violates Article 14 of the Constitution, this Court shall adopt the two-pronged test followed by the Apex Court, to determine if such violation has in fact occurred. The said test would require this Court to determine if there is a rational nexus with the object sought to be achieved. The object of the 2013 Guidelines is easily discernible from a bare reading thereof, which indicates that if the personnel of CAPF or AR is suffering from abnormal vision and is not able to distinguish between uniforms, there are risks of them being unable to protect themselves or their colleagues or adequately battle insurgents/terrorist groups. The 2013 Guidelines also make it clear that the policy of boarding out personnel who have been declared unfit, applies to all types of unfitness, whether it be unfitness in physical



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parameters or in any other SHAPE component [i.e., Psychiatric, Hearing, Appendages, Physical and/or eyesight].

21. In the opinion of this Court, the wording of the 2013 Guidelines reflects a level of candor, inasmuch as it is *prima facie* apparent therefrom that the Government admits certain orders issued in the years 1991, 1997, 2002, 2008, 2011 and 2012, which provided for a bar on boarding out of those personnel having been recruited prior to a particular date, as against the standing policy and public interest. With a view to rectify this departure from the standing policy and public interest, the 2013 Guidelines provide that no such recruitment of persons with defective vision/suffering from color-blindness shall take place in the future, and if still such recruitment is done only to discover the vision problems at a later stage, the doctor having declared such candidate as fit would be proceeded against in departmental proceedings for major penalty.

22. Another noteworthy facet contained in the 2013 Guidelines is the express provision therein to apply the same prospectively. This is in line with the principles culled out by the Apex Court in the judgment of Sree Sankaracharya University of Sanskrit v. Manu, (2023) 19 SCC 30, which, in essence, postulates that if a Government Order is treated to be in the nature of a clarification of an earlier Government Order, it may be made applicable retrospectively. Conversely, if a subsequent Government Order is held to be a modification/amendment of the earlier Government Order, its application would be prospective as retrospective application thereof would result in withdrawal of vested rights, which is impermissible in law.

23. Thus, the purpose of the 2013 Guidelines was not only to bar candidates with defective vision/color blindness from entering into the force



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supported with reasons for such decision, but also to provide clarity regarding the prospective applicability of the same. With the 2013 Guidelines chalking out the possible adverse effects of recruitment of such personnel, this Court is not inclined to deem the 2013 Guidelines as arbitrary, unreasonable or perverse. As such, the challenge of the Petitioners to the 2013 Guidelines as being violative of Article 14 of the Constitution, fails.

24. This Court's attention is also drawn towards the contention urged on behalf of the Respondents/CISF, that at the time when the termination orders were issued to the Petitioners, they were not a permanent part of CISF as they were serving their respective probation periods. This contention is what create a distinction between the instant writ petitions from those adjudicated by the Coordinate Benches of this Court in Sudesh Kumar (supra), Suresh Ram (supra) and P. Suresh Kumar (Supra).

25. The purpose of probation, as has been recognized in the judgment of the Apex Court in Kazia Mohammed v. Muzzammil v. State of Karnataka, (2010) 8 SCC 155, is to ensure that before the employee attains the status of confirmed regular employee, he should satisfactorily perform his duties and functions to enable the authorities to pass appropriate orders. In other words, the scheme of probation is to judge the ability, suitability and performance of an officer under probation.

26. It is trite law that probationers have no indefeasible right to continue in employment until confirmed, and they can be relieved by the competent authority if found unsuitable. As such, there exists a distinction between termination of a probationer and that of a permanent/confirmed employee. Though arbitrariness on part of the State is not justified in either case, there



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exists a difference in judicial approach between the two – whereas in the case of a confirmed employee, the scope of judicial interference would be more expansive given the protection under Article 311 of the Constitution of India, but the same is not true in the case of probationers who are deprived of such protection while working on a trial basis.

27. Another factor to be noted is that the judgments of this Court in Sudesh Kumar (supra) as well as Suresh Ram (supra), both deal with circulars/guidelines/orders which were issued in respect of promotion, and not direct recruitment. Moreover, both the cases involve grievances of personnel who had been working with the concerned Para-Military Force for a substantial period of time, been evaluated as ‘fit for service’ in each annual medical examination and only detected with defective vision or color blindness thereafter. *Per contra*, the present case deals with persons who were directly recruited, provisionally selected and had merely spent six months under training at their respective centers. In light of this slight yet significant distinction, the Petitioners’ reliance of the judgments of this Court in Sudesh Kumar (supra) and Suresh Ram (supra) is wholly misplaced.

28. This Court also does not see any shred of *mala fide* attributable to the concerned authorities with respect to any of the medical examinations or to the team of medical professionals conducting the medical examination. In the opinion of this Court, it is the medical practitioners of the CISF, who have themselves undergone the requisite trainings and are discharging the functions of the organization, who are best suited to form an opinion as to the medical fitness of the candidates to be recruited and once they have so formed their opinion, there can be no interference therewith, at the mere asking of a rejected candidate, more so who is a probationer.



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29. For the reasons stated above, coupled with the finding that the 2013 Guidelines are not unconstitutional, the Petitioners' challenge to the termination orders also fails.

30. Lastly, even though the contention was not urged by the Petitioners in so many words, this Court still deems it fit to delve into whether the Petitioners ought to have been considered for all posts other than that of Ct/GD, as reliance has been heavily placed on the judgment rendered by a Coordinate Bench of this Court in Sudesh Kumar (supra).

31. This Court notes that the advertisement in response to which the Petitioners applied, deals only with the post of Ct/GD. This being the case, there are no two ways with the law well-settled by the Apex Court, that recruitment to a public post must be held strictly in accordance with the advertisement and the relevant recruitment rules. Would the Petitioners have been automatically considered for the non-technical posts, for example, for the post of a cook, law officer, etc., that would have resulted in impinging the Respondents/CISF having gone beyond what was prescribed in the 2015 Advertisement, which is impermissible.

32. Be that as it may, this Court, in the interests of justice, deems it appropriate to leave it open to the Petitioners to file separate representation(s) with the Respondents/CISF, requesting their candidatures to be considered for posts that do not consider color blindness as a disability.

33. Upon receipt of such representations by the Petitioners, if any, the Respondents/CISF are directed to render their decision within a period of ten weeks from today.

34. With the above observations, all the writ petitions are disposed of.

35. Pending application(s), if any, are also disposed of.



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36. No order as to costs.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

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