



2025:DHC:10410-DB



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

+ **W.P.(C) 17562/2025 & CM APPL. 72543/2025**

BIPEN CHARAKPetitioner

Through: Mr. Ankur Chhibber and Mr.
Nikunj Arora, Advocates.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Vijay Joshi, CGSC.
Mr. Ajay Pal, Law Officer CRPF, Insp.
Athurv CRPF, Mr. Ramniwas Yadav CRPF.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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21.11.2025

C. HARI SHANKAR, J.

1. This is a case in which there are concurrent findings of the DME¹ and RME² at the time of consideration of the suitability of the petitioner for promotion as Assistant Commandant, that he is suffering from defective colour vision of CP-IV grade.

2. Mr. Chhibber, appearing for the petitioner, submits that, at the time of recruitment of the petitioner as Sub Inspector (GD), he had been initially found by the DME to be suffering from colour vision of CP-IV grade but was in review found to be suffering from colour vision only of CP-III grade and was therefore appointed.

¹ "Detailed Medical Examination" hereinafter

² "Review Medical Examination" hereinafter



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3. That, in our view, cannot be a ground for us to doubt the correctness of the DME and RME findings now, 13 years thereafter.

4. Mr. Chhibber also sought to contend, by referring us to the applicable medical guidelines, that there can be no change in the grade of defective colour vision over a person's life.

5. We have seen the guidelines. The guidelines do not say so. They say that such changes are uncommon but can take place in the event of disease or other factors.

6. Mr. Chhibber thereafter submits that in his annual medical examination, the petitioner has been found to be suffering from CP-III colour vision. He submits that no copy thereof has been provided to his client, though Mr Vijay Joshi, learned CGSC, states otherwise.

7. We, therefore, permitted Mr Joshi, by order passed yesterday, to place on record, by email to the Court Master, a copy of the annual medical examination report of the petitioner's vision for the current year so that we could assess whether it states that the petitioner has CP-III colour vision as contended by Mr. Chhibber.

8. Today, we have seen the annual medical examination reports of the petitioner, both for 2024 and 2025. The petitioner has been graded SHAPE-I for both years. In the annual medical examination report for the year 2024, it is specifically stated that his colour vision examination was not done. There is no entry with respect to his colour vision examination in 2025 either, though, he has been graded



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SHAPE-I in both years. The annual medical examination report for 2025 only notes that his vision in both eyes is 6/6.

9. As such, it appears that Mr. Chhibber's impression that his client was cleared for CP-III defective colour vision in his annual medical examination in 2024 and 2025 is not correct.

10. That being so, as there are concurrent findings with respect to the petitioner's defective colour vision as being CP-IV grade both in DME and RME, following our decisions in *Staff Selection Commission v Aman Singh*³ following *KM Priyanka v Union of India*⁴, we regret that we are not in a position to direct a fresh medical examination.

11. The writ petition is dismissed.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 21, 2025/pa

³ 2024 SCC OnLine Del 7600

⁴ 2020 SCC OnLine Del 1851