



2025:DHC:33-DB



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

Date of decision: 07.01.2025

+ **W.P.(C) 17816/2024 & CM APPL. 75840/2024**
ABHISHEK KUMAR

.....Petitioner

Through: **Mr.Ankit Siwach, Adv.**

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Mr.R.K. Shrivastava, SPC with**
Mr.Raj Kumar, AC/CISF,
Mr.P. Devandra, SI/CISF,
Mr.Amit Kumar, SI/CISF &
Mr.Rahul Sinha, SI/CISF.
Dr.Shaifali Gupta,
Commandant/Spl. Gr-I,
Ophthalmologists

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner challenging the report of the Review Medical Examination dated 05.12.2024, wherein the petitioner has been declared unfit for an appointment to the post of Assistant Sub Inspector (Exe) in the Central Industrial Security Force (in short, 'CISF') under the Notification being file no. E-32017/ASI/E(LDCE)-2021/RECTT/305 dated 29.12.2022, on the following grounds:-



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3) Final Opinion ☒ ✓

a) FIT ☒ LE/1 Eye corneal opacity

b) UNFIT on account of LE/1 Eye corneal opacity

2. The petitioner, placing reliance on the opinion obtained from the Guru Nanak Eye Centre, which had found that the Corneal Opacity suffered by him is not progressive and is present in the peripheral corneal, has filed the present petition.

3. This Court, by its Order dated 23.12.2024, had called upon the respondents to have an Eye Specialist join the proceedings of the Court today to guide us on the findings of the Guru Nanak Eye Centre. Pursuant to the said direction, Dr. Shaifali Gupta has appeared before us. She explains that, in terms of the guidelines on medical fitness, especially Clause VIII (Annexure 2 of the guidelines), opacities of any size or grade encroaching upon the central 6 mm of the cornea would be a cause for rejection of the candidate. She submits that, in the present case, the Review Medical Board found a corneal opacity encroaching upon the central 6 mm of the cornea in the petitioner's left eye and, therefore, he was declared unfit for appointment.

4. On the other hand, the learned counsel for the petitioner submits that the report from the Guru Nanak Eye Centre states that the corneal opacity, in the case of the petitioner, is on the periphery. He submits that it would not be within the 6 mm of the cornea, as has been opined in the Review Medical Board proceedings.

5. Keeping in view the above, and as the major issue involves determining the exact location of the corneal opacity in the petitioner's eye, we direct the respondents to have the petitioner re-examined by a



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Medical Board consisting of at least three Ophthalmologists, who were not part of the earlier Review Medical Board. In case the petitioner, on such examination, is found fit for appointment upon such examination, further process of his appointment shall be undertaken by the respondent within a period of six weeks from today. In case the petitioner is again found to be unfit for offer of appointment, the said opinion shall be treated as binding, and his candidature shall be rejected.

6. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 7, 2025/rv/DG

Click here to check corrigendum, if any