



2026:DHC:2989-DB



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

+ W.P.(C) 10388/2025, CM APPLs. 43154/2025 & 2541/2026

COMMISSIONER OF DELHI
POLICE AND ORS

.....Petitioners

Through: Mr. Ashish K. Dixit, CGSC
with Mr. Umar Hashmi, Mr. Gautam Yadav
and Ms. Iqra Sheikh, Advs.

versus

VIVEK YADAV

.....Respondent

Through: Mr. Shanker Raju and Mr.
Nilansh Gaur, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

09.04.2026

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OM PRAKASH SHUKLA, J.

CM APPL. 2541/2026 (for waiver of cost)

1. This application has been filed by the petitioners seeking waiver of costs of ₹10,000/- imposed by this Court vide order dated 26 November 2025.

2. For the reasons stated in the application, the cost is waived and the application is disposed of.

W.P.(C) 10388/2025, CM APPL. 43154/2025

3. This writ petition assails the order dated 02.04.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New



2026:DHC:2989-DB



Delhi¹ in O.A. No. 197/2021, whereby the learned Tribunal allowed the O.A. filed by the Respondent herein. By the impugned order, the learned Tribunal set aside the decision of the Review Medical Board (RMB) declaring the Respondent as medically unfit and permitted him to participate in the recruitment process for the post of Sub-Inspector (Executive)² in Delhi Police with the following direction:

“6.2 The respondents shall consider the case of the applicant for the post of Sub-Inspector in terms of Rule 29 of Delhi Police (Appointment and Recruitment) Rules, 1980 within a period of two months from the date of receipt of a certified copy of this order. Needless to say that, if the applicant is otherwise eligible, he shall be offered the post of Sub-Inspector with all consequential benefits including salary on notional basis from the date when his immediate junior joined services in respective category. The actual emoluments shall be paid from the date of joining.”

4. The Respondent joined and continues to be in service of the Delhi Police as a Constable (Executive) with effect from 05.10.2012.
5. Subsequently, on 03.03.2018, Petitioner No. 3 issued an advertisement inviting applications for SI in Delhi Police, CAPFs³ and Assistant SIs in CISF⁴ Examination, 2018. Clause 11(D) of this advertisement stipulated that the minimum distant vision of 6/6 and 6/9 was required “without visual correction of any kind even by glasses”.
6. Thereafter, an addendum to this advertisement was issued on 02.04.2018 by Petitioner No. 1 for filling up of 123 vacancies from within the department for the post of SI (Male) in Delhi Police.

¹ “Tribunal” Hereinafter

² “SI” hereinafter

³ Central Armed Police Forces

⁴ Central Industrial Security Force



2026:DHC:2989-DB



7. Pursuant to the addendum, whilst serving as Constable, the Respondent applied for the post of SI. After having qualified the previous stages in the selection process, the Respondent appeared for the medical examination.

8. In the Detailed Medical Examination (DME) report dated 19.03.2020, the Respondent was declared unfit. This opinion was upheld in the Review Medical Examination (RME) on 26.11.2020 on account of “Refractive surgery in the right eye”.

9. Aggrieved, the Respondent filed an O.A. before the Tribunal.

10. The question before the learned Tribunal was whether the Respondent having admittedly undergone LASIK surgery, was entitled to be considered for the post of SI in light of the applicable rules.

11. The learned Tribunal allowed the said O.A., opining that the Respondent was appointed as Constable after clearing the medical examination and that LASIK surgery in his eye was never considered as an impediment in his performance.

12. The learned Tribunal observed that the posts of Constable and SI involved identical functions and there was nothing on record to demonstrate that the medical standards for Constable and SI in Delhi Police were distinct.

13. It was also held that when the selection process concluded on 02.04.2018, LASIK surgery was not proscribed by the applicable rules.



2026:DHC:2989-DB



14. Aggrieved, the Petitioners approached this Court primarily citing Clause 11(D) of the Advertisement which, according to them, prohibits any visual correction of any kind even by glasses, therefore prohibits LASIK surgery as well. It is also submitted that the Respondent underwent Lasik surgery two days after having being recruited as Constable in Delhi Police, i.e., after his vision was assessed as 6/6.

15. Mr. Dixit, learned CGSC, also cites amendment to the Delhi Police (Appointment & Recruitment) Rules⁵ w.e.f. 22.10.2018, whereby Rule 7 was amended to categorically prohibit any visual correction by glasses or surgery to improve visual acuity.

16. However, learned Counsel for the Respondent submits that the Recruitment Rules were amended after the selection process had concluded and hence, will not apply. Reliance is placed on Rule 7 of the Recruitment Rules (as amended in 2013) and Standing Order No. 321/2013 dated 14.03.2013, both of which stipulate the requirement for eyesight as “*without correction, i.e., without wearing of glasses*”, to submit that LASIK surgery was not explicitly prohibited.

17. Heard the learned Counsels for both parties.

18. It is trite that a person seeking employment to a public post must be evaluated as per the prescribed standards and applicable rules governing recruitment to the said post.

19. It is also well settled that concurrent opinions of the DME and



2026:DHC:2989-DB



RME with respect to medical fitness of a candidate ordinarily bind adjudication of these issues since courts are not to re-assess expert medical opinions. This position is affirmed by this Bench in *Staff Selection Commission v. Aman Singh*⁶ and *Naomi Neijoujam Haokip v. Staff Selection Commission & Ors.*⁷, wherein it is clarified that judicial interference in such matters are limited and warranted only in exceptional circumstances.

20. In the present case, rejection by the RME was on the ground that the Respondent underwent LASIK surgery in the right eye.

21. It is undisputed that the Respondent, after having undergone the LASIK surgery, remained in service as a Constable (Executive) in the Delhi Police.

22. The Respondent applied for selection to the post of SI in pursuance of the addendum dated 02.04.2018, which was an extension of the advertisement dated 03.03.2018 inviting applications for SI. Paragraph 7 of this addendum provides that other contents of the notice shall remain unchanged. Hence, the medical standards stipulated in the advertisement shall apply.

23. Therefore, we deem apposite to reproduce Clause 11(D) of the advertisement dated 03.03.2018, as follows:

*“11(D) Medical standard (For all posts)
Eye sight: The minimum near vision should be N6 (better eye) and N9 (worse eye). The minimum distant vision should be 6/6 (better eye) and 6/9 (worse eye). In right handed person, the right eye is*

⁵ “Recruitment Rules” hereinafter

⁶ 2024 SCC OnLine Del 7600

⁷ W.P.(C) 15804/2025 decided on 14.10.2025



2026:DHC:2989-DB



the better eye and vice versa. The standards should be without visual correction of any kind even by glasses.

The candidate must not have knock knee, flat foot, varicose vein or squint in eyes. They must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties.”

(emphasis supplied)

24. From a plain reading of the above, it is clear that at the time of selection, visual correction with LASIK surgery was not explicitly stated as a ground for disqualification. Significantly, this prohibition was later introduced after the selection process has ended by an amendment in the Rules in 2018. This subsequent amendment, in itself, unequivocally establishes that such restriction did not exist at the time of selection.

25. The petitioner, therefore, cannot be disqualified by merely having undergone LASIK surgery. This is buttressed by the fact that he remained in service in the Delhi Police as a Constable (Executive) even after such surgery without any complaints or objections.

26. We further deem necessary to reproduce Rule 7 of the Delhi Police (Appointment and Recruitment) Rules, 1980 as amended in 2013, herein below:

“7. (i) the minimum distant vision should be 6/6 and 6/9 of both eyes without correction i.e. without wearing of glasses.”

27. From the aforesaid rule, it is clear that there is no mention of word ‘surgery’ of any kind. Further, it mentions “i.e., without wearing of glasses”, which ordinarily indicates an exhaustive definition. However, we find that the aforementioned Rule came to be further amended on 22.10.2018, wherein for the first time, the word ‘surgery’



2026:DHC:2989-DB



was introduced and the Rule came to be amended, as follows:

“7. (i) Eye Sight: The minim near vision should be N6 (better eye) and N9 (worse eye). The minimum distant vision should be 6/6 (better eye) and 6/9 (worse eye) of both eyes without nay correction like wearing glasses or surgery of any kind to improve visual acuity. In right handed person, the right eye is the better eye and vice-versa.”

28. It is evident from the aforesaid that Rule 7 as amended in 2018, explicitly prohibits visual correction by surgery.

29. However, it is also well settled that this amended Rule cannot be said to have retrospective application unless explicitly stated.

30. Therefore, the Petitioners cannot now be permitted to retrospectively apply the Rules introduced on 22.10.2018 to the selection process which concluded on 02.04.2018. The contrary would amount to changing the rules of the game after having invited applications, which is in violation of the decision in *Tej Prakash Pathak v. Rajasthan High Court & Ors.*⁸. Hence, the Respondent shall be governed by the earlier Recruitment Rules alone, whereby such proscription did not exist.

31. The Respondent underwent the surgery in 2012 and thereafter served as Constable in Delhi Police. In these circumstances, such surgery cannot, by itself, constitute a ground for disqualification, particularly when this proscription was introduced subsequently. Acceding to Mr. Dixit’s submission would amount to retrospective application to the proscription against the candidates who had undergone LASIK Surgery prior thereto, which cannot be done by this



2026:DHC:2989-DB



Court.

32. We also cannot find ourselves to agree with the learned CGSC on behalf of the Petitioners that the advertisement clearly prohibited LASIK surgery.

33. In light of the foregoing discussion, we are not inclined to interfere with the order passed by the learned Tribunal.

34. The writ petition is dismissed in the aforesaid terms. Pending applications, if any, stand disposed of.

35. The petitioners shall comply with the impugned order passed by the learned Tribunal within a period of four weeks from today.

OM PRAKASH SHUKLA, J.

C.HARI SHANKAR, J.

APRIL 9, 2026/pa