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

Date of decision: 01.09.2025

+ W.P.(C) 13381/2025
SH. MANJAY KUMAR SAHPetitioner
Through: Mr.M.D. Jangra, Adv

versus

UNION OF INDIA AND ORSRespondents
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 54852/2025 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed, challenging the Order dated 01.07.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 2350/2025, titled *Manjay Kumar Sah v. Union of India & Ors.*, whereby the O.A. filed by the petitioner was dismissed as being barred by limitation.

3. Admittedly, the petitioner had applied pursuant to the Centralized Employment Notification (CEN No. 02/2018) dated 10.02.2018, by which the respondents had invited applications for appointment/recruitment to various posts in Level 1 of the 7th CPC



(Central Pay Commission) Pay Matrix in the Indian Railways through an all-India Competitive Examination, open to persons eligible under the said notification.

4. The petitioner was subjected to a medical examination in April 2019.

5. It is the case of the petitioner that he was neither intimated about his medical status nor did the respondents respond to his request regarding the medical result or the selection process.

6. In the meantime, contending that the posts reserved for persons with benchmark disabilities had not been correctly calculated by the respondents in terms of the Rights of Persons with Disabilities Act, 2016, a Writ Petition, being W.P.(C) 15647/2022, titled ***Toshiyas Through Secretary & Ors. v. Union of India & Ors.***, was filed before this Court, which by an Order dated 09.09.2024, was transferred to the learned Tribunal and re-numbered as O.A. No. 4419/2024.

7. It is the case of the petitioner that in the course of those proceedings, and pursuant to information received under the Right to Information Act, 2005, he was informed that he had been declared 'unfit' in VI as LV and declared 'fit' in the visually handicapped category as 'Blind'. The petitioner challenged the aforesaid declaration by filing the above OA sometime around 01.07.2025.

8. As noted hereinabove, the learned Tribunal has dismissed the OA on the ground of being barred by limitation.

9. The learned counsel for the petitioner, drawing our attention to policy letter No. 2014/H/5/8 dated 31.12.2015, submits that in terms of the said policy, if a candidate is found 'unfit' on account of acuity



of vision, defective colour vision, etc., the candidate, without having to file any appeal, is to be immediately examined by a three-member standing medical board consisting of a specialist in the field, or by a senior doctor nominated in place of such specialist. He submits that the petitioner, therefore, waited for the result of his medical examination, and it was only upon gaining knowledge of having been declared 'unfit' in VI as LV, that he filed the above O.A. He further submits that since the matter regarding reservation itself is pending before the learned Tribunal, the petitioner ought not to have been non-suited on the ground of limitation in the present O.A.

10. We have considered the submissions made by the learned counsel for the petitioner, however, we find no merit in the same.

11. It is not denied that the petitioner was medically examined sometime around April 2019. Though the policy letter referred to hereinabove states that if a candidate is found 'unfit' on grounds of visual acuity, etc., he is to be subjected to a further medical examination by a three-member standing medical board, the petitioner admittedly took no steps to enforce the same and, in fact, stated that he was unaware of the medical result. If indeed his medical result had not been declared, the proper remedy for the petitioner was to approach the learned Tribunal at that stage. Presumably, it was not so done as the petitioner had been declared 'fit' in visually handicapped category as 'Blind'.

12. In a recruitment process, a candidate cannot be permitted to challenge the same after the expiry of more than six years from the date of the medical examination. The O.A. was, therefore, clearly



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barred by limitation under Section 21 of the Administrative Tribunals Act and has rightly been dismissed by the learned Tribunal on that ground.

13. The mere pendency of O.A. No. 4419/2024, in which there is a challenge to the number of vacancies to be reserved, cannot come to the aid of the petitioner, as the two causes of action are entirely different.

14. We, therefore, find no merit in the present petition. The same is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 1, 2025/rv/DG