



2025:DHC:5390-DB



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

Date of decision: 07.07.2025

+ **W.P.(C) 9150/2025**

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr.Premtosh K.Mishra, CGSC
with Mr.Sarthak Anand, Adv.

versus

SUMIT MUDGAL

.....Respondent

Through: Mr.R.V.Sinha, Mr.A. S.Singh,
Adv. for R- 1 to 4.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 38889/2025(exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 9150/2025 & CM APPL. 38888/2025

2. This petition has been filed challenging the Order dated 14.02.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi in OA no.935/2021 titled ***Sumit Mudgal v. The Chairman, Ministry of Railways, Govt. of India & Ors.*** allowing the OA filed by the respondent herein with the following directions:

“6. In the light of the above, we quash and set aside the impugned order Nos. 399670, CHD/ALD LN0.8-Med/M,B Part-1 dated



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19.02.2020, *RRB/ALD/CEN-01/2018/2020/Medical-1 dated 09/ 24.07.2020 vide which he has been declared medically unfit as well as impugned order No.01/2018/2020/Medical-1 dated 10.02.2021 vide which the appeal of the appellant has been rejected without considering all the inputs of the medical reports and direct the respondents - Ministry of Railways to get the applicant examined in AIIMS-Rajendra Prasad Eye Hospital within a period of two months and if he is found medically fit for the post of Assistant Loco Pilot (ALP), consider him for the post of ALP within a period of one month from the date of receipt of a certified copy of this order. Needless to say that the applicant would be entitled to all the notional benefits such as fixation of pay and allowances and seniority. However, no arrears of pay and allowances would be admissible on the principle of 'No work no pay'. There shall be no order as to costs. Pending MA(s) if any also stand disposed of accordingly"*

3. To give a brief background of facts in which the present petition arises, the respondent had applied for the post of Assistant Loco Pilot (ALP) pursuant to the notification No.01/2018 published by the petitioner. He was successful in the selection process and was called upon for a medical examination at the CMS Divisional Hospital (NCR) Jhansi on 10.07.2019.
4. He was declared 'unfit' for the appointment for Aye One (A1) and 'fit' for Bee One (B1) category with glasses, while the benchmark for the post of ALP was that the candidate must be in the (A1) category for both eyes.
5. In the re-medical examination constituted on 24.07.2020 at Sub-



Divisional Hospital, Kanpur, he was again declared ‘unfit’ with the same finding of A1 and B1 in the eyes and with the eyesight values as 6/9 and 6/9, however, mention of glasses was missing in this second finding.

6. The competent authority of the petitioner itself realizing that there was some contradictions in these reports, referred the respondent to a specialist Hospital at Byculla, Mumbai.
7. He was examined by a specialist for Corneal Topography on 14.09.2020 at the Byculla Railway Hospital and found to be having 6/6 vision for both eyes. The report also ruled out that the respondent having undergone any refractive surgery.
8. The respondent, however, was still declared ‘unfit’ for appointment and appeal dismissed vide order dated 10.02.2021 with the finding that “Unfit in Aye One (A-1), but fit in Bee One (B-1) as per para 512(1)(A) of IRMM-2000”.
9. Aggrieved thereof, the respondent had filed the above OA.
10. As noted hereinabove, the learned Tribunal *vide* the Impugned Order has allowed the OA and directed the petitioner to have the respondent examined at AIIMS within two months and if found medically fit, to consider him for the post of ALP.
11. The petitioner challenges the said direction.
12. The learned counsel for the petitioner, placing reliance on the report dated 15.09.2020 of Dr. Deepak C. Bhatti at the Institute for High Resolution Ophthalmic Diagnosis, submits that in the report it was found that the petitioner’s Astigmatism in the right eye is +1.55 while for the left eye is +1.21, which is the way



above the normal limit which should not exceed more than +0.5 to +0.75. He submits that therefore, the respondent was ‘unfit’ for appointment.

13. We do not find any merit in the said submission.
14. As noted hereinabove, finding a contradiction in the reports of the Medical Board and the Review Medical Board, the petitioner themselves had referred the respondent for a Specialist opinion at Byculla, Mumbai, which had found the respondent to be ‘fit’ for being considered for appointment. In spite of the same, the petitioners declared the respondents ‘unfit’.
15. As far as the report for the Institute for High Resolution Ophthalmic Diagnosis, it has also opined as under:

“IMPRESSION:

Bilateral small astigmatism with normal relative pachymetry and normal posterior corneal elevation is suggestive of normal cornea curvature.

No evidence of forme fruste keratoconus.”

16. Therefore, the above report, in spite of finding Astigmatism to be ‘+1.55’ (right eye) ‘+1.21’ (left eye), has still declared that the Astigmatism was small with normal relative pachymetry and normal posterior corneal elevation suggestive of normal cornea curvature. Reliance of the petitioners on the said report, therefore, can be of no assistance to them.
17. In ***Staff Selection Commission and Ors. v. Aman Singh***, 2024 SCC OnLine Del 7600, while considering various parameters on which such matters of medical examination are to be considered



by this Court, this Court had also opined that where the candidate is referred to a Specialist and the Specialist declares the candidate as 'fit' for appointment, the Medical Board must give due reference to such report and if it is to disagree, give cogent reasons for the same. We quote from the Judgment as under:

“10.38. In our considered opinion, the following principles would apply:

xxx

(iv) The situations in which a Court can legitimately interfere with the final outcome of the examination of the candidate by the Medical Board or the Review Medical Board are limited, but well-defined. Some of these may be enumerated as under:

xxx

(d) Where the Medical Board, be it the DME or the RME or the Appellate Medical Board, itself refers the candidate to a specialist or to another hospital or doctor for opinion, even if the said opinion is not binding, the Medical Board is to provide reasons for disregarding the opinion and holding contrary to it. If, therefore, on the aspect of whether the candidate does, or does not, suffer from a particular ailment, the respondents themselves refer the candidate to another doctor or hospital, and the opinion of the said doctor or hospital is in the candidate's favour, then, if the Medical Board, without providing any reasons for not accepting the verdict of the said doctor or hospital, nonetheless disqualifies the candidate, a case for interference is made out.”

(emphasis supplied)

18. Applying the above parameter to the facts of the present case, we find no infirmity in the direction issued by the learned Tribunal,
19. In any case, all that the learned Tribunal has directed is a re-examination of the respondent.



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20. The petition along with the pending application is accordingly dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 7, 2025
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Click here to check corrigendum, if any