



2025:DHC:130-DB



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

Date of decision: 10.01.2025

+ **W.P.(C) 264/2025 & CM APPL. 1314/2025, CM APPL. 1315/2025**

CHANDER KANT

.....Petitioner

Through: Mr.Amit Kaushik,
Mr.Himanshu Sharma, Advs.

versus

CENTRAL RESERVE POLICE FORCE & ANR.

.....Respondents

Through: Mr.Ranjeev Khatana,
Mr.R.N.Yadav, Advs. with
Mr.Ajay Pal, Law Officer,
CRPF), Mr.Shivkumar Singh,
CRPF, Mr.Rajesh Kumar
Singh, CRPF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner challenging the decision dated 20.11.2024 of the Review Medical Examination, by which the petitioner has been declared unfit for appointment on the ground that he had undergone Lasik surgery in both the eyes.
2. The learned counsel for the petitioner submits that in the Detailed Medical examination dated 19.11.2024, the petitioner had earlier



been declared unfit for appointment to the post of Constable (Driver) on the ground of suffering from defective colour vision (CP-II). However, while the Review Medical Examination finds the petitioner fit on that ground, it has declared him unfit on the new ground, that he had undergone Lasik surgery in both the eyes. He also places reliance on the report dated 20.12.2024 of the Guru Nanak Eye Care Centre, which had opined that his colour vision is normal. He submits that since a new ground has been substituted by the Review Medical Board for rejecting the candidature of the petitioner, the petitioner should be directed to be examined by a fresh Medical Board. He places reliance on the Judgment of this Court in *Sachin Negi v. Union of India & Ors.* NC No. 2024:DHC:8841-DB, wherein, in similar circumstances, this Court had directed the petitioner therein to be examined by the Army Hospital (R&R).

3. Issue notice.
4. Notice is accepted by Mr.Ranjeev Khatana, the learned counsel on behalf of the respondents.
5. He submits that since the selection process has already been completed, this petition should not be entertained at this belated stage.
6. As far as the objection of the respondent is concerned, we find that the impugned order has been issued only on 20.11.2024. The petitioner, therefore, cannot be said to have approached this court belatedly so as to deny him relief in the petition.



7. As far as merits of the petition are concerned, we find that a new ground for rejection has been introduced by the Review Medical Examination Board, which would leave the petitioner with no remedy to challenge the same.
8. In view thereof, we direct that the petitioner be re-examined by a fresh Medical Board to be constituted by the Composite Hospital of the CAPFs, which must include an Ophthalmologist. This exercise must be completed within a period of two weeks from today. The petitioner shall make himself available for examination by the new Medical Board on a date and time to be conveyed to the petitioner by the respondents, through his counsel, giving him at least two days' notice.
9. In case, the petitioner is found fit for appointment, the respondent shall process the case of the petitioner further for appointment. In case the petitioner is declared unfit for appointment, the reasons thereof shall be communicated to the petitioner, and it shall be open to the petitioner to avail of his remedy in accordance with law.
10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JANUARY 10, 2025
RN/DG

Click here to check corrigendum, if any