
(2018) 05 SHI CK 0011
In the High Court Of Himachal Pradesh
Case No : CWP No. 10295 of 2012

Desh Raj	Vs	APPELLANT
Union of India & anothers		RESPONDENT

Date of Decision : 21-05-2018

Acts Referred:

Citation : (2018) 05 SHI CK 0011

Hon'ble Judges : SURESHWAR THAKUR

Bench : Single Bench

Advocate : Rishi Tandon, Bal Ram Sharma

Final Decision : Dismissed

Judgement

Sureshwar Thakur, Judge.

1.The petitioner herein, had, previously instituted a writ petition, bearing CWP No. 622 of 2006, before this Court, seeking therein relief, for his being

appointed, against a Class-III post, on a compassionate basis, given his father dying in harness. This Court allowed the writ petition, and, had

pronounced a direction, upon, the respondent, to after meteing relaxations, in the education qualification vis-a-vis the petitioner, hence consider him for

appointment, under, group 'D' posts.

2. In pursuance to Annexure P- 2, the respondent concerned, meted compliance therewith, AND, proceeded to enlist the petitioner, for, his being

considered, for appointment against Group-D posts. However, he was enjoined, to, face the rigor, of, the apposite medical test, and, the petitioner, as

revealed by AnnexureP-6, for want of his possessing, the requisite prescribed standards, of, clarity of vision of the left eye, and, right eye, hence, on

medical unsuitability, thereupon, the respondent concerned rejected, his

candidature. The petitioner being aggrieved therefrom, hence, instituted the instant petition before this Court.

3. The learned counsel appearing, for the petitioner, has contended that the rejection, of, the candidature, of the petitioner, on, medical grounds, rather infractings, the mandate of this Court, pronounced in CWP no. 622 of 2006. However, the aforesaid submission, is, unworthy of any vigour, as, apparently, the respondents did mete, compliance vis-a-vis the direction pronounced by this Court, in CWP No.622 of 2006.

4. The Central Industries Security Force, is, a para-military force, and, the recruitment, of, staff therein, in, any category, does require, the candidate concerned, to, hence, possess the apposite medical fitness. The learned counsel appearing for the petitioner has not been able to advert, to, any rule, whereby, it was not enjoined upon the respondents concerned, to insist upon the petitioner, to, undergo the apt medical fitness test nor the learned counsel for the petitioner has been able to place on record any verdict, whereby, any insistence(s) made upon the petitioner, to successfully face, the medical fitness test, has been pronounced to be arbitrary or discriminatory. In sequel, the insistences, made by the respondents, to ensure the petitioners hence possessing the apposite medical witness, apparently, is not ridden with any vice of discrimination, or of arbitrariness nor also hence the mandate pronounced by this Court in CWP No. 622 of 2006, is infracted.

5. For the foregoing reasons, there is no merit in the instant petition and it is dismissed accordingly. However, for meteing the ends of justice, the respondents are directed to again subject the petitioner to medical fitness and in case he succeeds in the medical tests, they are further directed to mete compliance, with the directions of this Court, rendered, in CWP No.622 of 2006. All pending applications also stand disposed of. No costs.