

(2020) 11 DEL CK 0062

In the Delhi High Court

Case No : Civil Writ Petition No. 8825 Of 2020

Kushil Kumar

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 09-11-2020

Acts Referred:

Citation : (2020) 11 DEL CK 0062

Hon'ble Judges : Rajiv Sahai Endlaw, J;Asha Menon, J

Bench : Division Bench

Advocate : Shreshtha, Ajit Kakkar, Piyush Beriwal, Ankit Raj, Sahaj Garg, Vandana Dewan, Damini Garg

Judgement

1. The petitioner, a candidate for recruitment in the Central Armed Police Forces as a Constable and having been found medically unfit because of 'Defective Distant Vision of 6/12 RE ', has filed this petition pleading, (i) that his medical examination was conducted on 6th February, 2020; and (ii) that though in accordance with the opportunity given of applying for examination by a Review Medical Board, he applied therefor, but mistakenly got the demand draft prepared in the wrong name and owing where to only, his appeal/application for examination by the Review Medical Board was rejected on 16th March, 2020.

2. This petition has come up today for the first time i.e. after nearly eight months of the impugned rejection. A perusal of the electronic paper book shows the petition and the Vakalatnama to have been ready as far back as on 18th July, 2020 but the affidavit of the petitioner accompanying the petition having been sworn only on 2nd November, 2020. There is no explanation whatsoever for this long delay in approaching the Court and the petitioner, applying for recruitment in the Armed Forces, having shown lethargy, the petition is liable to be rejected on this ground alone.

3. Moreover the petitioner, in the petition has not even disputed the finding of the Medical Board of the petitioner having 'Defective Distant Vision of 6/12 RE'.

It is not even the plea of the petitioner that he got himself examined from any other Doctor thereafter or that there is any variance in the opinion of the other Doctors examined and the finding of the Medical Board. There is no reference made to the Medical Manual laying down the parameters for fitness and it is not even stated that the petitioner's distant vision of "6/12 RE" qualifies for being medically fit. There is thus nothing before the Court today to doubt the finding of the Medical Board, to overlook the admitted mistake of the petitioner himself in getting the demand draft prepared in the wrong name.

4. Be that as it may, we have enquired, whether the recruitment process is still on.

5. The counsel for the petitioner has no idea but the counsel for the respondents appearing on advance notice, under instructions states that the last date for holding the Review Medical Board is tomorrow and on further enquiry states that the Review Medical Board of the petitioner, if directed, is to be held at Composite Hospital, IG Headquarter BSF, Mandor Road, Jodhpur, Rajasthan.

6. Though the petitioner is not entitled to any relief as aforesaid but guided by the consideration that the petitioner, for technical reasons should not be deprived of opportunity of public employment, we dispose of this petition, directing that if the petitioner, who is disclosed to be resident of Churu, Rajasthan which is six hours driving distance from Jodhpur, (this order is being dictated at 1045 hours) reports at Composite Hospital, IG Headquarter BSF, Mandor Road, Jodhpur, Rajasthan tomorrow i.e. 10th November, 2020, at 1000 hours, the Review Medical Board may examine the petitioner and if the petitioner is found medically fit, the candidature of the petitioner for recruitment be considered further.

7. We have impressed upon the counsel for the petitioner that if the petitioner fails to so report tomorrow morning, no further opportunity shall be given and the counsel for the petitioner is agreeable thereto.