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

Date of Decision: 18.01.2022

+ W.P.(C) 6589/2021

MS. KOMAL RASTOGI Petitioner
Through Mr.Fidel Sabastian, Adv.

versus

DIRECTORAL GENERAL CENTRAL RESERVE POLICE
FORCE Respondent
Through Mr.Aman Malik, Sr. Panel
counsel for Central Govt. with
Mr.Syed Hussain Adil Taqvi,
Adv.
Dr.D.K.Verma,
Ophthalmologist is present
through video conference.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA
NAVIN CHAWLA, J. (Oral)

The petition has been heard by way of video conferencing.

1. The present petition has been filed by the petitioner praying for a direction to the respondents to refer the petitioner to any Senior Ophthalmologist in any Government Hospital in Delhi for a medical examination to ascertain whether the petitioner suffers from '*bilateral ptosis*'. The petitioner further seeks appointment as a Constable in the

Central Reserve Police Force (in short, 'CRPF') if the report received by the Senior Ophthalmologist is contrary to the earlier findings.

2. It is the case of the petitioner that pursuant to the advertisement by the respondent, the petitioner applied for selection as a Constable in the CRPF in September 2019. During the initial medical examination conducted on 06.09.2019, the petitioner was found to be suffering from '*Anaemia and bilateral ptosis*'. Following the result of the medical examination, the petitioner was asked to approach the District Hospital, Pilibhit in order to avail appropriate treatment and approach the respondent again with a certificate from the District Hospital, certifying that she has recovered from her ailment.

3. The petitioner complied with the orders and approached the District Hospital, Pilibhit and upon consultation with the Ophthalmologist, was certified to have recovered from the ailment. This fact was directly informed to the respondent who upon receipt of this information, asked the petitioner to report to the Base Hospital, ITBP, Tigri, New Delhi for a Review Medical Examination (in short, 'RME') vide letter dated 03.10.2020.

4. Vide the RME result dated 04.11.2020, the petitioner was, however, again declared medically unfit on the ground of '*unfit B/L Ptosis*'. Aggrieved by the report, the petitioner made a number of representations against the rejection of her candidature and thereafter filed the present petition.

5. The learned counsel for the petitioner submits that the petitioner, during the RME stage, was not examined in a proper manner, as the doctor examined the petitioner manually and that the entire RME of the petitioner merely lasted for 3 minutes. The learned counsel for the petitioner, placing reliance on the report of the Ophthalmologist at the District Hospital, Pilibhit, further submits that the petitioner has recovered from '*bilateral ptosis*' which is normally caused as a result of anaemia and is often recovered automatically.

6. This Court, by its order dated 08.12.2021, had directed the Ophthalmologist who had examined the petitioner during the conduct of the RME to appear before this Court. In compliance with the same, Dr. D.K. Verma had joined the proceedings by way of an online link today.

7. Dr. Verma, by placing reliance on the 'Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles: Revised Guidelines as on May 2015' (hereinafter referred to as the 'Guidelines'), explained that '*bilateral ptosis*' is a ground for rejection till surgical correction remains successful for a period of six months. The relevant portion of the Guidelines is reproduced hereinbelow:

“III. General External Examination of the Eyes and their Adnexae

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i) Lids, lashes and lacrimal apparatus. Any ptosis, blepharitis or abnormal condition of the lachrymal apparatus should be noted. Ptosis interfering with

*vision or visual field is a cause for rejection till surgical correction remains successful for a period of six months. Mild ptosis of less than 2 mm if not associated with any signs aberrant regeneration or head tilt and not interfering with vision should not be a cause for rejection. Candidates with uncontrollable **blepharitis**, particularly with loss of eyelashes, are generally unsuitable and should be rejected. **Naso-lacrimal occlusion** producing epiphora or a mucocele entails rejection, unless surgery produces relief lasting for a minimum of six months. This is to be confirmed with syringing prior to endorsing fitness.”*

8. Dr. Verma is the Ophthalmologist and was a part of the board of doctors who conducted the RME of the petitioner on 04.11.2020. He has explained that the petitioner was suffering from “*ptosis*”, which was apparent from a visual examination of the petitioner, and the same does not require any diagnostic evaluation. He further explained that the report of District Hospital, Pilibhit is not binding on the RME and in any case, cannot override the report of the RME, which conducts the medical examination keeping in view the requirements of the Armed Forces.

9. Having heard the learned counsel for the petitioner and Dr. Verma, we find no reason to interfere with the opinion of the RME in case of the petitioner. The petitioner was found to be suffering from “*bilateral ptosis*” at the stage of the Initial Medical examination as also at the stage of the RME. The board of doctors at the RME stage included the specialist Ophthalmologist. In ***Km. Priyanka v. Union of India & Ors.***, W.P.(C) 10783/2020, this Court has held that the standard of physical fitness for the Armed Forces and the Police Forces is more stringent than that for the civilian employment. It was

held that it is the doctors of the Forces, who are well aware of the demands of duties and the physical standards required to discharge the same. Their report cannot be discarded and would, in fact, prevail over the report of private or even other government doctors. It was held as under:

*“8. We have on several occasions observed that the standard of physical fitness for the Armed Forces and the Police Forces is more stringent than for civilian employment. We have, in **Priti Yadav Vs. Union of India** 2020 SCC OnLine Del 951; **Jonu Tiwari Vs. Union of India** 2020 SCC OnLine Del 855; **Nishant Kumar Vs. Union of India** 2020 SCC OnLine Del 808 and **Sharvan Kumar Rai Vs. Union of India** 2020 SCC OnLine Del 924, held that once no mala fides are attributed and the doctors of the Forces who are well aware of the demands of duties of the Forces in the terrain in which the recruited personnel are required to work, have formed an opinion that a candidate is not medically fit for recruitment, opinion of private or other government doctors to the contrary cannot be accepted inasmuch as the recruited personnel are required to work for the Forces and not for the private doctors or the government hospitals and which medical professionals are unaware of the demands of the duties in the Forces.”*

10. In **Joginder v. Union of India & Ors.** W.P.(C) 522/2021, this Court has reiterated that training and military operations are extremely demanding in terms of the medical fitness of a candidate and a private doctor or a doctor working in a Government hospital may not be in a position to comment on the required medical standards for the Force.

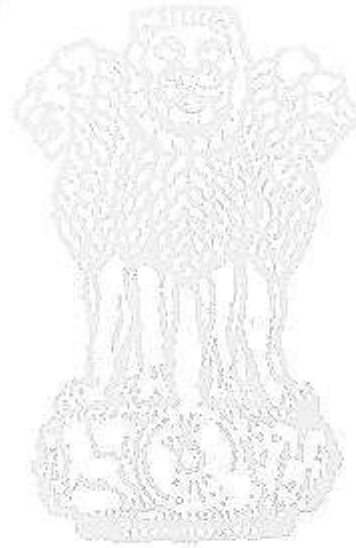
11. In view of the above, we find no merit in the present petition. The same is dismissed with no order as to cost.

NAVIN CHAWLA, J

MANMOHAN, J

JANUARY 18, 2022/AB

HIGH COURT OF DELHI



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