

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11783-2015(O&M)

Date of decision : 29.05.2015

VIJAY

..... PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

..... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. S.S.Sudan, Advocate for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order whereby his prayer for setting up a review medical board has been declined.

The petitioner had applied for the job of Sub Inspector in various Central Police Forces. There was first a written test. On the basis of that there was a physical efficiency/endurance test which did not carry any marks but the candidates who qualified the physical efficiency/endurance test were medically examined. The petitioner's medical examination revealed '*defective distant vision in both eyes*' and he was consequently declared unfit. As per the procedure the petitioner had a right to appeal for a review medical board within 15 days with the certificate of a duly qualified doctor on a prescribed form with specified requirements. One of the requirements was that the doctor who gave his opinion should attest the photograph and the thumb impression of the petitioner. However, in the

form submitted by the petitioner the doctor who had examined him did not attest his photograph and thumb impression but attested his signatures. In view thereof the appeal was rejected. The petitioner again got himself medically examined and, this time got his photograph and thumb impression attested and again approached the respondents to resubmit the same but they refused to accept that. During this interregnum the interviews of those candidates who had been declared fit were conducted and final select list had admittedly been prepared. It is at this stage that the petitioner has approached this Court claiming that once his signatures were duly attested the respondents erred in rejecting his prayer on the ground that his photograph and thumb impression were not attested. He has, therefore, prayed that the respondents be directed to conduct the review medical examination of the petitioner and if he is found medically fit, to conduct his interview and thereafter consider him for appointment if necessary by replacing the last candidate on the select list.

I am afraid it would not be possible to accede to this prayer. In the first place if the petitioner believed that the original rejection was illegal he could well have challenged the same. May be at that time the interviews had not taken place and may be the Court could have considered the plea but instead of that the petitioner got his thumb impression and photograph attested and tried to resubmit the same. It cannot be lost sight of that in this kind(or any other kinds) of All India Selections an objective time line is highly desirable. It cannot also be disputed that the endeavour of every selection should be as objective as possible and for that purpose the requirements to be fulfilled by the candidates should also be as objective as possible. On their part all candidates are enjoined to be careful in meeting

the requirements which are laid down. Once there is an objective requirement which is laid down any unjustified departure has to be at the cost of the candidates. In such cases sympathy cannot come to the aid of the candidates. As per the original time line the respondents must have made arrangements for review medical board comprised of doctors in different disciplines because a candidate can be declared medically unfit on many grounds. That is why they had specified a period of 15 days for the candidates to get themselves examined from a qualified doctor and in case that doctor found them to be not suffering from the disease pointed out by the medical board, they would be re-examined by a separate medical board. In the present case all those arrangements made by the respondents have now come to an end. No reason has been given by the petitioner as to why he could not get the certificate prepared as per the check-list. It is not a case where the check-list was ambiguous or capable of two meanings but enumerated a clear requirement which the petitioner was not able to fulfil.

In these circumstances it would not be possible to direct the respondents to again constitute a review medical board and, in case the petitioner is found medically fit, to convene an interview board to conduct the interview of the petitioner and then if the petitioner succeeds in getting higher marks, to replace him with the candidate who is not even before this Court.

Petition is dismissed.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 29, 2015
sunita*