

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 4244/2015

This the 12th day of September, 2016

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Sumit Kumar
S/o Sh. Suresh
R/o V.P.O. Loharheri
Teh – Bahadurgarh
Distt. – Jhajjar
Haryana -124507
Aged about 22 years
(Candidate towards SSC recruitment) Applicant

(By Advocate: Mr. Mr. Ajesh Luthra)

VERSUS

Govt. of NCT of Delhi through

1. Staff Selection Commission
Through its Chairman,
Northern Region
Block No. 12, CGO Complex,
Lodhi Road,
New Delhi – 110003

2. Commissioner of Police
PHQ, MSO Building
IP Estate, New Delhi Respondents.

(By advocate: Mr. Vijay Kumar Pandita for R-1)
(Mr. Gyanendra Singh for R-2)

ORDER (ORAL)

Heard learned counsel for the applicant as well as learned counsel for the respondents. The applicant had applied for the post of Sub Inspector (Male) in Delhi Police for selection in Delhi Police

and other police organisations but his candidature rejected on the ground of bad eye sight i.e. 6/12 Right Eye and 6/18 Left Eye whereas norms are 6/6 and 6/9 of two eyes without correction i.e. without wearing of glasses. Because of this the applicant, through Laser Assisted in situ Keratomeleusis, (LASIK) corrected his vision and Review Medical Board recorded his vision as 6/6, which is within the norm. However, they declared him 'unfit' because of LASIK mark in both eyes.

2. The applicant has filed this OA challenging rejection of his candidature on the ground that correction through LASIK procedure cannot be a ground for rejection of his candidature. He has relied upon order dated 27.02.2015 passed by this Tribunal in OA No. 146/2014 and other OAs in which the Tribunal had held in view of the decision of the Hon'ble High Court in the case of Ms Sreeja K. Vs. UOI & Anr (WP No. 3196/2012 and in Bhan Khatana Vs. UOI & Ors (WP No. 13461/2009), that those who have undergone LASIK cannot be disqualified on that ground alone. In this case, as noted above, the vision has been corrected to 6/6 after LASIK.

3. Learned counsel for the respondents states that Rule regarding eye sight in Delhi Police required that the vision should be 6/6 and 6/9 both eye without correction i.e. without wearing of glasses. The applicant was declared medically unfit on the ground

that he has a "Hypospadiasis", defective distance vision (Right Eye-6/12, Left Eye 6/18.

4. It is further stated that the Delhi Police is an organisation in which duty may be during the day as well as at night. Further, on the issue of LASIK surgery Dr. J.S. Titiyal, Eye Surgeon, Dr. Rajender Prasad Centre for Ophthalmic Science, AIIMS, New Delhi was consulted and his views are as under:-

- a) Such candidates, who undergo LASIK eye surgery, are required to have compulsory eye check-up every year.
- b) They are not able to face heavy glare of light especially during night hours.
- c) Before declaring such candidates fit, the following tests should be got conducted to check the fitness of their vision:-
 - (i) Contrast Sensitivity
 - (ii) Dim Light Vision (Mesopic Vision)
 - (iii) Glare Acuity

5. Learned counsel for the respondents further stated that Sreeja K. Vs. Union of India and Anrs. was a case of recruitment for the post of Junior Geologist, Group 'A' in the Geological Survey of India, which is a civilian post, whereas the nature of duty of police official in the rank of S.I. (executive)-Male in Delhi Police is different.

6. While passing the order dated 27.02.2015, all these arguments raised by the respondents regarding opinion on LASIK surgery, by Dr. J.S. Titiyal had been examined by the Tribunal and thereafter

the order passed. Applicants in those cases were seeking appointment as Sub Inspectors in Delhi Police. Therefore, the order in OA 146/2014 and other OAs is fully applicable in this case.

7. Therefore, the OA is allowed and we direct the respondents to appoint the applicant against the post of Sub Inspector in Delhi Police or other Police organisation treating him medically fit as far as eye sight is concerned and if he is otherwise eligible for appointment. This order should be complied within 90 days from the receipt of a certified copy of this order. There shall be no order as to costs.

(Dr. B.A. Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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