



2025:DHC:11129-DB



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

+ **W.P.(C) 17306/2025, CM APPL. 71248/2025**

**JATINDER KUMAR**

.....Petitioner

Through: Mr. Himanshu Gautam, Adv.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr. Gaurav Mishra, CGSC with  
Mr. Arvind, GP and Ms. Priyanka Mishra  
for UOI with Insp. Athurv and Mr.  
Ramniwas Yadav (CRPF)

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT (ORAL)**

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**09.12.2025**

**C. HARI SHANKAR, J.**

1. The petitioner, who was working as Sub Inspector with the Central Reserve Police Force<sup>1</sup>, applied for recruitment as Assistant Commandant in response to Recruitment Notification issued in February 2025 for effecting recruitment through a Limited Departmental Competitive Examination. He cleared all rounds of the selection but, in his Detailed Medical Examination<sup>2</sup> which took place on 17 October 2025, was declared as unfit on account of his suffering from nystagmus in both eyes, elevated Blood Pressure and Borderline Cardiomegaly.

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<sup>1</sup> "CRPF", hereinafter



2. The petitioner was examined by a Review Medical Board<sup>3</sup> on 22 October 2025, which declared the petitioner unfit only on the ground that he had nystagmus in both eyes.
3. Thus, there is concurrence of medical opinion by the DME and the RME to the effect that the petitioner suffered from nystagmus in both eyes.
4. The petitioner has approached this Court by means of the present writ petition, challenging his being declared as unfit for recruitment as Assistant commandant as suffering from nystagmus.
5. The petitioner's case is that he got himself examined, thereafter, at the Dr. Rajendra Prasad Centre for Ophthalmic Sciences, AIIMS on 30 October 2025 and that the doctors in the AIIMS certified that he was not suffering from Nystagmus.
6. Mr. Himanshu Gautam, learned Counsel for the petitioner has also placed reliance, in this context, on an order dated 29 May 2025 passed by the Supreme Court in *Divyanshu Singh v. Union of India*<sup>4</sup>.
7. Mr. Gautam also submits that, in an earlier selection in 2003, the petitioner has been cleared medically. We cannot rely on that selection as there is concurrence of medical opinion in the present case. Besides, for all we know, the petitioner's ailment may have developed after 2003.

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<sup>2</sup> "DME", hereinafter

<sup>3</sup> "RMB", hereinafter

<sup>4</sup> SLP (C) No.13758/2025



8. The legal position in this regard has been examined by a Coordinate Bench of this Court in *Staff Selection Commission v. Aman Singh*<sup>5</sup>. This Court has clearly held in the said decision that ordinarily once there are concurrent findings of DME and RME against a candidate, the Court would not refer the candidate to a third medical examination. It is only where (i) the findings require a specialist's view and there is no specialist on the Board of the DME or RME, or (ii) the DME or RME refers the candidate to an outside Hospital and the report of the outside Hospital is not taken into consideration, or (iii) there is discordance in the report of the DME and RME with respect to the condition which has resulted in the candidate's disqualification, that the Court intervenes.

9. In the present case, the examination of the petitioner by the AIIMS was not at the instance of the respondents. Reports obtained from outside Hospitals, to whom the respondents have not referred the petitioner, howsoever eminent, cannot constitute a basis for this Court to direct a fresh medical examination as per the law declared by this Court in *KM Priyanka v. Union of India*<sup>6</sup>, followed by us thereafter in *Aman Singh*.

10. Nonetheless, as it was the petitioner's contention that nystagmus requires examination by electroretinography, we called on the respondents to place the comments of the Medical Board on

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<sup>5</sup> 2024 SCC OnLine Del 7600

<sup>6</sup> 2020 SCC OnLine Del 1851



2025:DHC:11129-DB



record. The comments of the medical Board which examined the petitioner read thus:

“E-MAIL MSG.

TO: ADG (MED) APFS, NSG&AR  
INFO:DIRECTOR MEDICAL, DTE GEN.  
FROM: BASE HOSPITAL(DELHI)  
ORG NO. I7014 DTD 18.11.2025

Please refer to ADG(MD)/Board/Da/-1/2025/-2643 dated 18.11.2025 regarding WP C no. 17306/2025, filed by f/no. 135380467, Insp/Gd Jatinder Kumar (Roll No. 20300647) of 5 BN CRPF, versus UOI & others before the Hon'ble High Court of Delhi (.). The case pertains to the post of Assistant Commandant (GD) through the LDCE in CAPFS (CRPF, BSF, SSB, AND ITBP) for the vacancy Year 2024-25 etc.(.) In this regard, reply of the queries is as under:-

Point No.	Details of Points	Reply of points
01	Whether any ophthalmologist was present in review medical board.	The board consisted of 03 eye specialists (other than gen. board) for eye cases. all the three ophthalmologist have checked the eye of the candidate.
02	Whether ERG (Electroretinography) was required to be conducted in the subject matter or otherwise	Nystagmus is a condition characterized by involuntary rapid and rhythmic eye movements. The RME board has made diagnosis after thoroughly examining the candidate. it is a condition which can occur due to variety of reasons. erg could have been done to ascertain the cause of nystagmus but as per recruitment guidelines/visual standards in CAPFs& Assam Rifles May 2015, nystagmus as such is cause of



2025:DHC:11129-DB



		rejection/unfitness. hence erg was not done in r/o Insp/GD Jatinder Kumar and he was declared to be unfit.
	For info & N/A PSE.	

Sd/-

Dt. 18.11.2025  
(DR ACHNA PANDEY)  
CHIEF MEDICAL OFFICER (S.G)  
BASE HOSPITAL (DELHI), ITBP  
(PRESIDING OFFICER OF THE DETAILED BOARD)”

**11.** Thus, the petitioner was examined by not one but three Ophthalmologists. They have clearly opined that for detecting the existence of nystagmus, no electroretinography is required and that electroretinography is required only for identifying the cause of nystagmus.

**12.** Inasmuch as the very existence of nystagmus is a disqualification, we cannot fault the RMB for not subjecting the petitioner to an electroretinography.

**13.** Apropos the decision in *Divyanshu Singh*, we find, from the recital of facts in that case, that there was a discrepancy between the initial Medial Board which had examined the petitioner and the Review Medical Board. The initial Medical Board only found the petitioner to be suffering from defective vision where as the Review Medical Board found that he was suffering from glaucoma. It was in these circumstances, apparently, that the Supreme Court allowed the petitioner to obtain an opinion from the AIIMS as to whether he was



2025:DHC:11129-DB



suffering from glaucoma.

**14.** Where there is a discordance between the report of the DME and the RME, we have also held, in our decision in *Aman Singh*, that the candidate would be entitled to a third medical examination. Such a discordance did exist in *Divyanshu Singh*. There is no such discordance in the present case, as the petitioner has been found to be suffering from nystagmus in both eyes by the DME as well as the RME.

**15.** We regret, therefore, that we cannot come to the aid of the petitioner.

**16.** The writ petition is accordingly dismissed.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**DECEMBER 9, 2025/aky**