



2026:AHC:167159

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3453 of 2023

Banti Kumar

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Durvesh Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 34
(Sl. No. 152)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Durvesh Kumar, learned counsel for the petitioner and Sri Anand Mani Tripathi, learned Standing Counsel for the State.

2. Pursuant to the order dated 12.5.2023, instructions have been supplied by the Chief Medical Officer, Saharanpur on 30.6.2023 which states that the report of the medical board is annexed in the sealed envelop, though the report is available but the same is not on the sealed envelop. The said report has been verified by the Chief Medical Officer, Saharanpur. Four member board was constituted for the medical examination of the eyes of the petitioner. The report of the medical board is as under:-

"मेडिकल मैडिकल बोर्ड द्वारा परीक्षण उपरान्त निम्न तथ्य पाये गये है-

1. श्री बन्टी कुमार का पूर्व में जनपदीय चिकित्सा परिषद द्वारा दिनांक 19.10.2022 को परीक्षण हुआ था जिसमें उसकी दाँयी आँख की दृष्टि 6/12 एवं बाँयी आँख की दृष्टि 6/18 दर्शायी गयी है. इसके आधार पर इसको अनफिट किया गया था।

2. श्री बन्टी कुमार को उपरोक्त बोर्ड में अनफिट होने पर उनके द्वारा अपर निदेशक चि० स्वा० एव प०क० स०पुर० मण्डल को अपील की गयी और श्री बन्टी कुमार का पुनः परीक्षण दिनांक 02.11.2022 को मण्डलीय चिकित्सा परिषद द्वारा किया गया और जिसमें उसकी दाँयी आँख की दृष्टि 6/12 एवं बाँयी

आँख की दृष्टि 6/9p दर्शायी गयी थी और उसके आधार पर अनफिट किया गया था।

3. आज दिनांक 30.06.2023 को उक्त गठित मैडिकल बोर्ड द्वारा श्री बन्टी कुमार का नेत्र परीक्षण कर उसकी दाँयी आँख की दृष्टि 6/6p. एवं बाँयी आँख की दृष्टि 6/6 पायी गयी है।
4. आँखो की स्लीट लैम्प से परीक्षण करने पर श्री बन्टी कुमार की दोनो आँखो की Cornea में Flap Interface पाया गया जो कि Lasik Surgery के पश्चात सम्भव है।
5. श्री बन्टी कुमार से उक्त के सम्बन्ध पूछने पर श्री बन्टी कुमार द्वारा बताया गया कि उन्होंने माह दिसम्बर 2022 के अन्त में दिल्ली के किसी अस्पताल में दोना आँखो का आपरेशन रोशनी बढ़ाने हेतु कराया था।"

Thus, from the aforesaid report of the medical board, it is an admitted case of the petitioner that the petitioner was unfit during the medical conducted by the District Medical Board on 19.10.2022 and his right eye was 6/12 and left eye was 6/9p., therefore, the petitioner was declared unfit. Thereafter, he has preferred an appeal against the said order of unfit by the medical board. Thereafter, he was re-examined by the appellate medical board which has also found the petitioner unfit. Petitioner himself has admitted before the medical board that after the said medical test conducted by the medical board, petitioner has undergone eye surgery to increase his eyes sight. Thereafter on medical examination by the medical board on 30.6.2023, pursuant to the direction issued by this Court, his right eye sight was found as 6/6p and left eye sight was found as 6/6, however, the medical board has observed that after examining through sleet lamps, the **Cornea** of both eyes was found in **Flap Interface** which is possible due to **Lasik Surgery** and the petitioner has admitted that he has gone **Lasik Surgery** in December, 2022.

4. From the perusal of the medical report, it is apparent that there is no error in the initial medical examination by the District Medical Examination as well as the appellate medical board, whereby petitioner was found unfit. The subsequent cure due to the medical intervention would not make the petitioner entitled to claim the appointment on the aforesaid post.
5. In such view of the matter, this Court do not found any merit in the claim of the petitioner that he has now fit, therefore, he should be given

appointment as there was no illegality in the initial medical examination conducted against the said recruitment at the relevant time.

6. In such view of the matter, no relief can be granted to the petitioner. The instant petition is **dismissed**. The instructions submitted by the learned Standing Counsel for the State is taken on record.

(Anish Kumar Gupta,J.)

August 10, 2026

n.u.