



2025:DHC:11009-DB



\$~51

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

Date of decision: 04.12.2025

+ W.P.(C) 17854/2025 & CM APPL. 73786/2025
COMMISSIONER OF DELHI POLICE AND ORS

.....Petitioners

Through: Mr. Ashish K. Dixit, CGSC
with Mr. Umar Hashmi and
Ms.Iqra Sheikh, Advs.

versus

AKSHIKA AND ORSRespondents

Through: Ms. Esha Mazumdar and
Mr.Setu Niket, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 06.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3043/2024, titled ***Akshika & Ors. v. Staff Selection Commission Through its Chairman & Ors.***, whereby the learned Tribunal allowed the O.A. filed by the respondents herein with the following direction:

“7. In the light of the above, we are of the considered opinion that the balance of convenience in the instant OA lies with the applicants. The instant OA has merit, deserves to be allowed and is accordingly allowed. We accordingly quash and set aside the order dated 26.06.2024 passed by the Re-Medical



Board constituted by the respondents declaring the applicants unfit on the ground of refractive surgery. We direct the respondents to consider appointing the applicants to the post of Head Constable (AWO/TPO) Male and Female as they are otherwise meritorious and are also protected by Tribunal's interim order dated 21.08.2024. This exercise should be completed within a period of two months from the date of receipt of a certified copy of this order. Needless to mention they will get all the notional benefits like pay fixation and seniority. But there will be no payment of arrears on the principle of 'No work no pay'. There will be no order as to costs."

2. The brief background of facts leading to the present petition is that the respondents participated in the recruitment process for the post of Assistant Wireless Operator/Tele-Printer Operator (Head Constable) in the Delhi Police, advertised by the petitioners *vide* Recruitment Notice dated 08.07.2022. In the Detailed Medical Examination Board, however, *vide* report dated 28.12.2023, the respondents were declared 'unfit' on account of '*defective vision/visual status*'. The respondents thereafter appeared before the Review Medical Examination Board, where, *vide* report dated 26.06.2024, they were again declared medically 'unfit' for appointment on account of '*prior refractive surgery*'.

3. The question before the learned Tribunal was whether the respondents, having admittedly undergone Lasik Surgery for correction of their vision, were entitled to be considered for the recruitment or had been rightly declared medically 'unfit' for appointment.

4. The learned Tribunal has allowed the above O.A., observing



that the Advertisement Notice did not exclude candidates who had undergone Lasik Surgery (refractive surgery).

5. The learned Tribunal further held that the respondents were candidates for the post of Wireless Operator, which is primarily a desk job, and that undergoing Lasik Surgery (refractive surgery) would not hinder the performance of their duties.

6. The present petition was filed on the premise that an amendment had in fact been made to the Recruitment Rules *vide* Notification dated 22.10.2018, whereby a condition was introduced requiring that vision be tested without correction, such as wearing glasses or undergoing any surgery to improve visual acuity.

7. However, the learned counsel for the respondents, appearing on advance notice of this petition, submitted that although the Recruitment Rules were amended for various posts, no corresponding amendment was made insofar as the post of Assistant Wireless Operator/Tele-Printer Operator (Head Constable) is concerned and, therefore, undergoing Lasik Surgery is not a ground of disqualification as far as the post of Assistant Wireless Operator/Tele-Printer Operator (Head Constable) is concerned.

8. Today, the learned counsel for the petitioners, on instructions, does not dispute the above averment.

9. In view of the above, as there is no specific exclusion or debarment from consideration for the post of Assistant Wireless Operator/Tele-Printer Operator (Head Constable) of the candidates who have undergone Lasik Surgery, we find no infirmity in the Impugned Order passed by the learned Tribunal. Needless to state,



2025:DHC:11009-DB



that the Impugned Order passed by the learned Tribunal is based solely on the rules as they presently exist and shall not be construed as preventing the petitioners from amending the rules in future, if so advised.

10. The petition, along with the pending application, is accordingly dismissed.

11. The petitioners shall comply with the Impugned Order passed by the learned Tribunal within a period of four weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 4, 2025/b/k/DG