2026 INSC 1184

NON- REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.14041 OF 2026
Arising out of SLP (Civil) No. 14082 of 2026

AKANKSHA DEVI ...APPELLANT(S)

VERSUS

STATE OF U.P. & ORS. …RESPONDENT(S)

J U D G M E N T

ARAVIND KUMAR, J.

1. Heard. Leave granted.

2. The short point which arises for consideration in the present appeal relates to recruitment of the Appellant to the post of Constable Civil Police under U.P. Police Constable Civil Direct Recruitment, 2023. Appellant was issued a call letter by the competent authority for Document Verification (DV)

Signature Not Verified
Digitally signed by NEHA GUPTA
Date: 2026.11.02 17:08:04 IST
Reason:

and Physical Standard Test (PST) requiring her to appear at Reserves Police Line, Kanpur Dehat on 28.12.2024 at 09:00 am and she successfully cleared the said tests and her name was included in the qualified list of candidates for the next phase of selection as evident from Annexure-P4. Hence, Appellant was issued call letter for medical examination to appear before the Medical Board constituted by the competent authority. The examination was scheduled to be held on 22.04.2025 as intimated to the Appellant vide call letter dated 15.04.2025 Annexure-P5. Accordingly, the Appellant appeared before the medical board on 22.04.2025 and she is said to have been orally informed by the examining authority that she was unfit due to alleged defect in the eyes (squint eye). After her rejection in the medical examination conducted on 22.04.2025 a re-examination was conducted by the Division Medical Board on 25.04.2025 as per Rule 15(6)(d) of the UP Police Constable and Head Constable Service Rules, 2015 as amended in 2017, which

again declared her medically unfit on account of squint. However, no rejection order or endorsement was furnished to the Appellant. Hence, Appellant is said to have independently approached two qualified medical institutions including Dr. Parvej Khan, Professor and Dean of the Eye Department, G.S.V.M Medical College and Associated Hospital, Kanpur and Dr. Rizwan Ahmad M.S. Consultant Eye Surgeon, UHM District Hospital, Kanpur Nagar, who found her colour perception/variation were normal including vision and thereby casting a serious doubt on the correctness and fairness of the initial medical assessment made by the medical board constituted by the respondent authority. Based on these two reports, Appellant submitted a representation on 16.05.2025 seeking for a fresh medical examination before an independent institution or competent authority including the Chief Medical Officer, Lucknow. Same having been rejected, she approached the jurisdictional High Court for a direction to re-conduct the

medical examination which came to be dismissed by the impugned order on the ground of selection process having been concluded. Hence, this appeal.

3. Taking note of the fact that under similar circumstances this court in SLP Civil No. 17704/2025 had constituted a medical board for ascertaining the opinion with respect to the medical fitness of the Appellant therein, by our order dated 15.09.26, we directed the Appellant to appear before King George's Medical University, Lucknow and issued a direction to the Director of the University to constitute a medical board comprising of experts in Ophthalmology and to submit a Report/Opinion after evaluating or examining the Appellant herein with respect to the medical fitness of the Appellant and specifically with reference to the squint eyes since the Appellant had been deprived of the employment after having been issued with a call letter and denied the same due to alleged defect in the eyes (squint eye).

4. The learned counsel appearing for the aforesaid hospital has placed on record the Report of the committee date 16.10.2026. Perusal of the same would disclose that appellant has been clinically examined on 08.10.2026 by a team four (4) doctors and they have opined as under: -

" **MEDICAL REPORT**

(As per documents available)

Patient Akanksha Devi, 23/female, R/O-, Kanpur dehat presented to us on 08/10/2026 in Eye department, K.G.M.U.

On Examination on 08/10/2026

	Right eye	**Left eye**
VISION (BEST CORRECTED) on Digital vision charting	Reading 6/6	Reading 6/6
Near Vision	N6	N6
PUPILLARY REACTION	+/+	+/+
Orbital margin	Digitally within normal limits	Digitally within normal limits
Orbital Tonometry	Digitally within normal limits.	Digitally within normal limits
Ocular direction	Straight	Straight
Ocular position	Full in all gazes	Full in all gazes
Ocular movement	Within normal limits	Within normal limits
ANTERIOR SEGMENT	Within normal limits	Within normal limits
FUNDUS	Within normal limits	Within normal limits
Axial Length (mm)	22.70	22.71
Anterior Chamber Depth (mm)	3.39	3.35
Lens Thickness (mm)	3.38	3.34
Retinoscopy	+1.25 D at 70 degree and +1.5 D at 150 degree	+1.5 D at 90 degree and +1.75 OD at 180 degree
Fundus photo	Within normal limits	Within normal limits

OCT Macula	Within normal limits	Within normal limits
OCT Disc	Within normal limits	Within normal limits
Visual Field	Within normal limits	Within normal limits
Corneal Topography	Within normal limits	Within normal limits
OCT Cornea	Within normal limits	Within normal limits
OCT RNFL	Within normal limits	Within normal limits

ORTHOPTIC CLINIC OPINION:

Exophoria to Intermittent Exotropia with good control
Poor attempt to converge.
Deviation is larger in upgaze and for distance fixation.
Deviation manifests after patch test. Deviation is larger in upgaze and for distance fixation.
Stereopsis is present for distance and near (when deviation is controlled) and alternate suppression (when manifest)
Deviation ranges from -5 degree to -8 degrees

Signatures and stamps appear on the original report."

5. The aforesaid Report would persuade us to accept the plea of the Appellant of having been deprived of her legitimate right for being appointed to the post of Police Constable Civil Police after having successfully cleared all the tests. We are of the considered view that in the peculiar facts of the instant case and particularly in the teeth of the medical board of King George's Medical University, Department of Ophthalmology, Lucknow certifying her vision as proper/normal, we set aside the impugned order, allow this

appeal and direct the respondents to issue order of appointment/call letter if she is otherwise entitled to and we make it explicitly clear that the Appellant shall not claim seniority over the candidates who have already been appointed till date.

6. Accordingly, the appeal stands allowed. Pending application(s), if any, stand consigned to records.

…….....J.
[ARAVIND KUMAR]

…….....J.
[VIPUL M. PANCHOLI]

NEW DELHI;
NOVEMBER 02nd, 2026.