

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 6821 of 2022

Surendra Kumar Gupta

Vs.

The Coal India Limited & Ors.

For the Petitioner

: Mr. Tarun Kumar Das

: Mr. Rajib Kumar Acharyya

For the respondent Nos. 5 to 7

: Mr. Manik Das

Heard on

: 06.08.2026

Judgment on

: 09.10.2026

Uploaded on

: 09.10.2026

Rai Chattopadhyay, J. :-

- 1.** Clause 1 of Chapter VIII of the Medical Attendance Rules - Coal India Limited [in short "MAR"] is tested in the instant writ petition, as to how far the same should be made applicable in case of the present petitioner, at the time of his induction in service with the respondent Coal India Limited, if at all. The petitioner seeks immediate setting aside of the order of the said respondent authority vide the letter dated 16th December, 2021, treating the petitioner as unfit for appointment due to colour blindness and an order of this Court to give effect to the 'List of Provisionally Selected Candidates to the Post of Accountant/Cost Accountant T & S under Grade-A' dated 13th November 2021, which includes the petitioner's name.
- 2.** Clause 1 of Chapter VIII of the Medical Attendance Rules - Coal India Limited [in short "MAR"] speaks as follows:

“1. Pre-employment Medical Examination

Pre-employment medical examination will be done for all new appointees either by a Company Medical Officer or by a Medical Board consisting of Company’s Medical Officers formed as per orders of CMO

Medical examination will be done as per standards laid down below

A standard form should be used to record the findings;(vide Annexure Form No.III). The Form No.IV (vide Annexure) requires to be filled up by the candidate.

Physical standard for pre-employment medical examination

The minimum physical standard for the above is as under:

A. MINIMUM PHYSICAL STANDARD FOR ALL CLASSES OF EMPLOYEES DIRECTLY CONNECTED WITH COAL MINING (MINING, GEOLOGICAL, SURVEY, MECHANICAL, ELECTRICAL, ELECTRONICS, OPEN CAST, PERSONNEL, MINING TRAINEES, AUTHORIZED DRIVERS AND WATCH AND WARD EMPLOYEES, ETC.)

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Note:

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(d) Night blindness and colour blindness: Candidate’s night vision will be tested to ascertain whether or not he suffers from night blindness. Tests also should be done for colour blindness.”

- 3.** In the letter/email dated 16th December, 2021, the General Manager (P & IR) Eastern Coalfields Limited informs the petitioner as follows:

*“This is to inform you that, IME Board, Central Hospital, Kalla, ECL held on 06.12.2021 & 07.12.2021, has declared you **“Unfit for Employment”** for the post of “Accountant/Cost Accountant”, in T & S Gr. ‘A’ against the Notification No. ECL/CMD/C-6/Rectt./Acct-19/36/619 dated 28.09.20, due to the following reason:*

“Colour Blindness”

You can appeal for re-medical examination to the Apex Medical Board within 30 days with proper justification.”

4. The factual background leading to filing of the instant writ petition by the present petitioner may be narrated in a nutshell in the following manner;
5. The petitioner, being duly qualified and belonging to the reserved category of 'Other Backward Classes', responded and filed his application pursuant to the Employment Notification published by the Eastern Coalfields Limited dated 28th September, 2019, for the post of Accountant. The petitioner finds place in the list of provisionally selected candidates to the post of Accountant / Cost Accountant (T & S) (Gr.'A') in ECL, which was published on 13th November, 2021. However, the impugned letter succeeded the said list of eligible candidates in which the petitioner's name appeared, stating him to be "unfit for employment" for the post of "Accountant / Cost Accountant" due to colour blindness.
6. Mr. Tarun Kumar Das, learned advocate for the petitioner, has vehemently objected to and challenged the legality and propriety of the said impugned letter of the respondent authority.
7. According to him, the decision of the authority as the letter bears is in stark violation of the Rules of the respondent relating to medical examination. It is submitted that the petitioner's ineligibility for employment since has been considered in a manner contrary to as provided in the Rules, the said decision of the authority is liable to be set aside. And the petitioner is eligible for appointment in view of the provisional list and his position therein.
8. The challenge is thrown particularly on the ground that in the MAR, physical standard for pre-employment, medical examination has been provided for. That according to the same, a candidate is required to possess minimum physical standard. Mr. Das has categorically put forth that minimum physical standard for all classes of employees directly connected with mining, geological, survey, mechanical,

electrical, electronics, open cast, personnel, mining trainees, authorized drivers, and watch and ward employees, etc., have been provided in Clause 1-A. The note appended to the Clause 1-A, that is Note No. (d) in particular, provides for testing of night blindness and colour blindness of a candidate. According to Mr. Das, therefore, the provision for testing night blindness or colour blindness is with respect to a prospective employee who falls within the parameter of employees described under Clause 1-A, precisely those who are directly connected with core mining and other outdoor part of the company's work, and not for the office workers.

9. Mr. Das has further pointed out to Clause 1-B, which, according to him, are the minimum physical standards required for a candidate to be recruited to the post other than Gr.A personnel. According to him, those categorized under Clause 1-B are the office or desk workers, including Accountant / Cost Accountants who works indoor and executes work from office. For them, Mr. Das submits, that the MAR has not provided for any colour blindness test before being inducted in service.
10. Mr. Das, learned advocate for the petitioner, has further relied on a letter dated 14th July, 2016 of the CMO / HOD Medical, CIL, addressed to the Chief of Medical Services under Coal India Limited. This letter is a kind of advisory issued by the CMO / HOD for universal application within the company. It is written over there as follows:

"It is reiterated that while doing IME, one should strictly follow the provisions of MAR (Medical Attendance Rules) and Mines Rules, 1955. There should not be any deviation to that. Please follow the procedure as described below:

1. All the persons coming for IME should be divided in two groups 'A' (persons under Group A are employees directly connected with coal mining) & 'B', as per MAR.

2. According to MAR, there is no mention of testing colour blindness for persons falling under Group B.

***3. Only low grade colour perceptions will be tested with Edridge Green's lantern.
– according to FORM-P-2 of Mines Rules, 1955."***

- 11.** Therefore, the petitioner has categorically submitted that even as per the said advisory, no colour blindness test is prescribed for a person to be inducted under Gr. B category of employees, like the present petitioner.
- 12.** It is further argued that the petitioner, if appointed, would be working as an Accountant / Cost Accountant of the respondent company. Therefore, test of colour blindness and his failure in the same test, even if there is any, is only inconsequential for his job as recognition of colour would not have been a requisite condition of his job description, had he been appointed in the said post by the respondent company.
- 13.** The petitioner challenges rejection of his candidature for appointment as arbitrary and reflecting non-application of mind, particularly because clarification regarding the relevant medical standard was sought only after he had been declared unfit. He also alleges unequal treatment, stating that other provisionally selected candidates, including those placed below him, received appointment letters while seven candidates were excluded for colour blindness. Accordingly, he contends that the impugned decision violates the guarantees of equality and equal opportunity in public employment under Articles 14 and 16 of the Constitution.
- 14.** For all these reasons, according to Mr. Das, the opinion and decision of the respondent that the petitioner is unfit for appointment due to his colour blindness, is only unsustainable. Hence, he seeks that an appropriate order may be passed in this case setting aside the said order of the respondent authority vide the impugned letter dated 16th December, 2021 and directing for appointing the petitioner in the post.
- 15.** The following judgments have been referred to by the petitioner: -

Nandkumar Narayanrao Ghodmare versus State of Maharashtra reported at **(1995) 6 SCC 720**

In this case, a physically handicapped selectee was not given appointment in the post of Agricultural Officer of Class II owing to his colour-blindness. Out of the 35 posts, only 05 posts required perfect vision. The relief given to the petitioner involved directing the Government to consider the said candidate for appointment to any of the remaining 30 posts.

Pradip Kumar Maji versus Coal India Limited - W.P. No. 26990 (W) of 2017 (unreported) dated **April 20, 2020**

Calcutta HC directed ECL to consider the petitioner for appointment to any post for which he was otherwise qualified and eligible, where underground work was unnecessary and his colour-blindness would not constitute a bar.

Ashes Kumar Roy versus Coal India Limited - WPO 272 of 2020 (unreported) dated **December 16, 2020**

Calcutta HC opined that colour-blindness is not, by itself, a disqualification for employment under the CIL Medical Attendance Rules. The colour-blindness test is intended to determine the type of work that may be allocated to the employee.

- 16.** The respondent authority has been represented by Mr. Manik Das, learned advocate. He says inter alia that the petitioner's principal contention is that colour blindness could not lawfully disqualify him from appointment as Cost Accountant/Accountant because the applicable CIL Medical Attendance Rules do not specifically require a colour blindness test for Group B posts. However, the petitioner has not disputed that he is colour blind. The respondent further contends that the writ petition has become infructuous because the selection panel was valid only for one year and expired on 12 November 2022.

No interim order was passed preserving a vacancy, and mere inclusion in a select list does not create an indefeasible right to appointment.

- 17.** The respondents rely upon the Mines Act, 1952 and the Mines Rules, 1955 to argue that every person seeking employment in a mining company such as ECL, must undergo an Initial Medical Examination or Periodical Medical Examination. The statutory definition of a mine extends beyond underground or opencast workings to adjoining offices and premises connected with mining operations. Since an accountant or cost accountant employed by ECL may be posted or transferred to offices situated within or near mining areas, the statutory medical requirements are said to apply irrespective of whether the post is classified under Group A or Group B.
- 18.** It is further argued that Form P-I under the Mines Rules permits colour blindness testing in special cases where the job requires adequate colour discrimination. According to the respondents, modern accounting work involves computer-based charts, graphs and colour coded information, making colour recognition relevant to the functions of an accountant. The CIL Medical Attendance Rules are therefore stated to supplement, rather than override, the Mines Rules. CIL subsequently clarified on 3 August 2022 that colour blindness testing would be conducted for all concerned; although colour blindness may generally be acceptable for Group B employment, such acceptance does not necessarily extend to posts where effective colour discrimination is considered essential. According to the respondent authority, for the nature of job to be discharged by the present petitioner, effective colour discrimination would be compulsorily essential, hence the petitioner does not qualify for the job.
- 19.** The following judgments have been cited by the respondent: -

Tarun Pan versus State of WB reported at **2026 SCC OnLine Cal 5593**

The Court held that mere empanelment or inclusion in a select list does not create a vested right to appointment; it only gives the candidate a right to be considered. Unless the governing rules require all vacancies to be filled, the appointing authority retains discretion based on administrative, policy, financial and public-interest considerations. Judicial interference is warranted only where arbitrariness, mala fides or illegality is established.

Ali Hossain Mandal versus W.B. Board of Primary Education reported at **(2024) 15 SCC 90**

The Supreme Court held that a selection panel or merit list does not remain valid indefinitely and cannot be used for appointments after its expiry unless its validity is lawfully extended. Further, even shortlisted candidates do not acquire an indefeasible right to appointment merely because vacancies exist, as the appointing authority may consider various administrative and other relevant factors before making appointments.

- 20.** Medical Attendance Rules – CIL (MAR) Chapter-VIII provides for rules relating to medical examination. Clause-1 thereof is for pre-employment medical examination. Physical standard for medical examination has been categorised in two groups; Group-A and Group-B. The rules specify the persons to fall under each Group respectively in the following manner:

Group – A : All classes of employees directly connected with mining, geological, survey, mechanical, electrical, electronics, open cast, personnel, mining trainees, authorized drivers, and watch and ward employees, etc.

Group – B : Other than Group-A.

- 21.** The said rules also have provided that for Group-A appointees, there should be compulsory test for night vision, to ascertain whether or not he suffers from night blindness. Tests also should be done for colour blindness.
- 22.** It may be noted that the list of provisionally selected candidates which bears the petitioner's name, also bears the post to be "Accountant/Cost Accountant, T & S Gr. 'A' in ECL". It appears that the vacancy was published for the post of "Accountant/Cost Accountant, T & S Gr. 'A' in notification No. ECL/CMD/C-6/Rectt./Acct-19/36/619 dated 28th September, 2019. The writ petitioner has participated in the process, pursuant to the said advertisement and was successful to find his place in the provisional list, to be appointed subject to successful medical test result.
- 23.** On the basis of the respective submissions of parties, two points emerge for consideration; firstly, whether in view of the categorisation made in the rules, the petitioner should be treated as a Group-A employee as per the said rules; secondly, whether color blindness should culminate to the only conclusion of unfitness of a person who aspires to be appointed in the post of an 'Accountant/Cost Accountant'; and thirdly whether the submission of the respondent that the petitioner should compulsorily be able to effective colour discrimination, while discharging his duty as an 'Accountant/Cost Accountant'.
- 24.** Having considered the rival submissions, the materials placed on record and the relevant provisions of the Medical Attendance Rules of Coal India Limited (MAR), this Court is of the view that the controversy has to be examined primarily with reference to the statutory/regulatory standard applicable to the petitioner at the stage of his pre-employment medical examination. The question is not merely whether the petitioner suffers from colour blindness. That fact, even if accepted, does not by itself conclude the controversy. The

material question is whether, under the Rules governing the recruitment in question, such condition constitutes a disqualification for appointment to the post for which the petitioner was selected. A medical condition can operate as a disqualification only when the governing rule makes it so, either expressly or by necessary implication having regard to the nature of the duties attached to the post.

- 25.** Clause 1 of Chapter VIII of the MAR draws a clear functional distinction between Group-A and Group-B employees. Group-A comprises employees directly connected with mining, geological, survey, mechanical, electrical, electronics, open cast, personnel, mining trainees, authorised drivers, watch and ward employees, etc. Group-B, on the other hand, consists of employees other than those falling within Group-A. The significance of such classification cannot be diluted. It is a classification consciously made by the employer itself for the purpose of prescribing the requisite physical standards at the stage of pre-employment medical examination. The rule-making authority having chosen to classify employees according to the nature of their employment, the medical standard must necessarily be applied with reference to the category in which the concerned employee falls.
- 26.** The requirement that night vision be tested and that tests also be conducted for colour blindness occurs in the portion of the Rule dealing with the physical standard prescribed for Group-A employees. The textual scheme of the provision, therefore, does not support the proposition that every candidate, irrespective of the nature of his employment, is liable to be rejected merely because he is found to be colour blind. Indeed, the distinction becomes still more significant when the employer's own advisory dated 14th July, 2016 is taken into consideration. The said communication specifically directs that, persons undergoing initial medical examination be divided into Group-A and Group-B in accordance with the MAR and records that,

according to the MAR, there is no mention of testing colour blindness for persons falling under Group-B.

- 27.** The aforesaid communication is of considerable significance. It is not an interpretation furnished by the petitioner but an instruction emanating from the medical authorities of Coal India Limited itself for universal application within the organisation. It expressly reiterates that the MAR and the Mines Rules are to be strictly followed and cautions the examining authorities against deviation therefrom. It would therefore be difficult for the respondent authority, without demonstrating any subsequent lawful amendment of the governing Rules applicable to the recruitment in question, to contend that a candidate falling within Group-B could nevertheless be declared unfit solely on account of colour blindness.
- 28.** The fact that the advertisement describes the post as “Accountant/Cost Accountant, T & S Gr. 'A'” does not, in the opinion of this Court, lead to a contrary conclusion. The expression “T & S Gr. 'A'” appearing in the designation of the post cannot be mechanically equated with “Group-A” as used in Chapter VIII of the MAR. The latter is a functional classification for determining physical and medical standards. The former is a grade or service classification of the post. To treat the two expressions as synonymous would render the functional distinction expressly made in the MAR meaningless. The Court must ascertain the category under the medical rules by reference to the nature of the employment and not merely by adopting the nomenclature of the pay or service grade appearing in the advertisement.
- 29.** An Accountant/Cost Accountant is essentially an office-based function. Nothing has been placed before this Court to establish that the duties attached to the post require the petitioner to perform underground mining work, operate mining machinery, drive authorised vehicles, undertake electrical or mechanical work, or perform any other function in which colour discrimination is

inherently connected with safety or efficient discharge of duties. The petitioner had specifically contended that recognition of colour was not a necessary or indispensable component of the duties of an Accountant/Cost Accountant, and the respondents have not produced any job description, service rule, recruitment condition or other contemporaneous material demonstrating the contrary.

30. The principle emerging from the decision of the Supreme Court in **Nandkumar Narayanrao Ghodmare (supra)**, is of particular relevance. There also the candidate had been selected but appointment was withheld on account of colour blindness. The Supreme Court did not regard the mere existence of colour blindness as determinative. It specifically examined whether colour blindness would interfere with the discharge of the duties attached to the post and, finding that only a limited number of posts required perfect vision, directed the Government to consider the candidate for the remaining posts. The underlying principle is that a physical or medical characteristic cannot be converted into a blanket disqualification without examining its functional nexus with the duties of the post.
31. The same principle assumes even greater force in the present case because the employer's own MAR has made a functional classification of employees and has expressly confined the colour-blindness testing requirement to the category of employees directly connected with mining and allied functions. Thus, the ratio in **Nandkumar Narayanrao Ghodmare (supra)** is not being applied as though it created an absolute rule that colour blindness can never constitute a medical disqualification. Rather, the decision is relevant for the narrower and more fundamental proposition that the disqualification must have a rational and demonstrable connection with the duties of the post.
32. The decisions of this Court relied upon by the petitioner, namely **Pradip Kumar Maji (supra)** and **Ashes Kumar Roy (supra)** also

assume significance. In ***Pradip Kumar Maji (supra)***, the controversy was examined in the context of employment under Coal India/ECL and the Court required the respondents to confront the precise nature of the duties and the necessity of colour discrimination for the particular employment. The decision therefore reinforces the proposition that the medical consequence of colour blindness cannot be determined in the abstract, divorced from the actual duties to be performed.

- 33.** More directly, in ***Ashes Kumar Roy (supra)***, this Court considered the very framework of the CIL medical standards and held that, in the absence of a rule constituting colour blindness as an absolute bar, the condition could not be made a ground for rejection of employment on the ground of unfitness of the candidate for solely the said reason. The Court observed, in substance, that in relation to jobs directly connected with mining, the colour-blindness test served the purpose of determining the nature of job which could be allocated to a candidate and did not, by itself, create a universal disqualification. The petitioner in that case was consequently directed to be considered for an appropriate category, taking into account his colour blindness.
- 34.** The respondents have sought to distinguish the aforesaid authorities by relying upon the Mines Rules, 1955. There is, however, nothing in the statutory scheme brought to the notice of the Court which converts the power or requirement to conduct a medical examination into an automatic authority to declare every colour-blind candidate unfit for every post in a mining company. Form P-I under the Mines Rules prescribes medical standards for persons employed in mines and, significantly, provides that colour blindness is to be tested only in special cases where the job requires good colour discrimination. The statutory formulation is therefore itself founded upon the functional requirement of the particular employment.

- 35.** The reference by the respondents to the extended statutory meaning of “mine” also does not advance their case. The fact that the statutory definition of a mine may extend to premises and establishments connected with mining operations does not mean that every employee of a mining company performs identical duties or must satisfy the same physical standard. Such an interpretation would obliterate the distinction expressly maintained by the MAR between Group-A employees directly connected with mining and Group-B employees. A general statutory obligation to maintain medical fitness cannot be utilised to defeat a specific functional classification contained in the employer's governing medical rules.
- 36.** The respondent's further contention that modern accounting involves computer-generated charts, graphs or colour-coded information, and therefore effective colour discrimination is necessarily an essential qualification for an Accountant/Cost Accountant, is equally unconvincing. The submission is unsupported by any contemporaneous recruitment condition, prescribed job specification, medical standard or other material demonstrating that effective colour discrimination constitutes an essential component of the post. A Court cannot permit a candidate's eligibility to depend upon an uncommunicated assumption subsequently advanced by the appointing authority after the candidate has successfully undergone the selection process.
- 37.** The subsequent clarification dated 3rd August, 2022 relied upon by the respondents cannot retrospectively supply a disqualification which was absent from the applicable standard at the relevant stage of recruitment. The petitioner participated in the selection process pursuant to the notification dated 28th September, 2019, was successful and his name was included in the provisional list dated 13th November, 2021, subject to medical fitness. The legality of his medical rejection must therefore be tested by reference to the rules and standards governing the recruitment and the medical

examination, and not by importing a subsequently articulated requirement to the prejudice of the candidate.

- 38.** This is also consistent with the settled doctrine that the rules governing a recruitment process cannot ordinarily be altered to the detriment of a candidate after the process has commenced. The Constitution Bench in ***Tej Prakash Pathak v. Rajasthan High Court, (2025) 2 SCC 1***, has reaffirmed the importance of maintaining the sanctity of the notified eligibility criteria and the requirement of fairness and non-arbitrariness in public recruitment. The principle is founded upon Articles 14 and 16; a candidate entering a public recruitment process is entitled to know the criteria by which his eligibility and suitability will be judged. A subsequent executive clarification cannot be employed to introduce a new substantive disqualification where the governing framework did not prescribe one.
- 39.** The petitioner was not merely an applicant whose candidature was rejected at the threshold. His name appeared in the list of provisionally selected candidates published on 13th November, 2021. The medical examination was therefore a stage for determining his fitness in accordance with the applicable medical standards; it could not become an occasion for the respondents to introduce an additional eligibility condition unrelated to those standards. The distinction is important. The petitioner does not claim an absolute right to appointment merely because his name appeared in the provisional list. His case is that he was excluded from appointment by applying a medical disqualification which, on a proper construction of the governing Rules, was not applicable to him.
- 40.** The judgments relied upon by the respondents, namely ***Tarun Pan (supra)*** and ***Ali Hossain Mandal (supra)*** undoubtedly lay down the general proposition that inclusion in a panel or merit list does not, by itself, create an indefeasible right to appointment. There can be no quarrel with that proposition. ***Ali Hossain Mandal (supra)***, in particular, was concerned with the consequence of expiry of a merit

list and the absence of any legal extension permitting further appointments therefrom. Those authorities, however, operate in an altogether different field and do not answer the anterior question which arises in the present case. The respondents cannot rely upon the principle that empanelment does not create an indefeasible right to appointment as a justification for an otherwise unlawful rejection of a selected candidate. The proposition concerning the legal effect of a select list comes into play after the Court has found the selection process and the rejection of the candidate to be lawful. It cannot be used as a shield against judicial examination of the legality of the very ground on which the candidate was excluded.

- 41.** Put differently, the petitioner does not seek appointment merely because he was empanelled; he seeks relief because, according to the governing MAR, the medical ground on which his candidature was rejected was not a disqualification applicable to the post in question. If that contention succeeds, the subsequent expiry of the panel cannot retrospectively validate an action which was illegal when taken. The respondents cannot take advantage of the passage of time during the pendency of a judicial challenge to preserve the consequence of an order which is found to be unsustainable in law. The doctrine that no person should suffer because of an act of the Court and the broader principle of effective judicial review require that the remedy should be moulded so as to neutralise the consequence of the unlawful administrative action rather than allow such consequence to become irreversible merely by efflux of time.
- 42.** The respondents have also not demonstrated that any reason independent of colour blindness existed for treating the petitioner as medically unfit. The impugned communication dated 16th December, 2021 records the reason for unfitness simply as “Colour Blindness”. Once the governing Rules are examined, and no other medical impediment is shown, the impugned decision cannot survive. Administrative discretion in a matter of public employment is

necessarily circumscribed by the governing rules. An authority entrusted with selection cannot substitute its own standard for the standard prescribed by the rule-making authority.

- 43.** The action of the respondents also fails the test of reasonableness and non-arbitrariness under Article 14 and the guarantee of equal opportunity under Article 16 of the Constitution. The constitutional infirmity does not arise merely because the petitioner suffers from a particular physical condition. It arises because the condition has been treated as an absolute disqualification without demonstrating either that the applicable rule so provides or that the condition has a rational nexus with the essential duties of the post. The classification between candidates who possess and do not possess normal colour vision can withstand constitutional scrutiny only where such distinction bears a reasonable relation to the duties for which the appointment is made. In the present case, that nexus has not been established.
- 44.** It is equally significant that the petitioner's name appeared in the provisional list and, according to his specific grievance, other provisionally selected candidates, including candidates placed below him, were issued appointment letters, while he was excluded on the ground of colour blindness. In such circumstances, the respondents were required to demonstrate with reasonable clarity the source of the differential treatment and the objective necessity for imposing the additional medical requirement upon the petitioner. A bare assertion that colour discrimination is “essential” for an Accountant/Cost Accountant cannot discharge that burden.
- 45.** Thus, on the basis of the entire discussions made above, this Court finds that the petitioner could not have been treated as a Group-A employee merely by reference to the designation “T & S Gr. 'A'”. The functional classification under Chapter VIII of the MAR places an Accountant/Cost Accountant, performing office-based duties and not directly connected with the categories of employment enumerated

under Group-A, outside the Group-A standard for which colour-blindness testing is prescribed as part of the physical standard. Colour blindness cannot, in the facts of the present case and under the applicable MAR, by itself culminate in a declaration of unfitness for appointment as Accountant/Cost Accountant. The authorities relied upon by the petitioner, particularly **Nandkumar Narayanrao Ghodmare (supra)** and **Ashes Kumar Roy (supra)**, support the requirement of a functional nexus between the physical condition and the duties of the post. The respondents have failed to establish such nexus. The submission that the petitioner must necessarily possess “effective colour discrimination” for discharging the functions of an Accountant/Cost Accountant is found to be an assertion unsupported by the governing recruitment conditions or by any material establishing that colour discrimination constitutes an essential requirement of the post. The subsequent clarification relied upon by the respondents cannot cure the absence of such requirement at the relevant stage or retrospectively alter the applicable medical standard.

46. Consequently, the impugned communication dated 16th December, 2021, whereby the petitioner was declared “Unfit for Employment” solely on account of “colour blindness”, is found to be contrary to the applicable Medical Attendance Rules, unsupported by any demonstrated functional necessity and consequently arbitrary in law. The subsequent contention regarding expiry of the select list cannot save an order which is otherwise legally unsustainable.
47. For the reasons aforesaid, the judgments relied upon by the respondents do not come to their assistance. Those decisions state a general principle regarding the absence of an indefeasible right flowing from mere inclusion in a select list; they do not authorise an appointing authority to impose a medical disqualification contrary to its own governing rules. The authorities relied upon by the petitioner, on the other hand, are more directly germane to the controversy since

they address the precise legal question whether colour blindness, without a demonstrated nexus to the duties of the particular post, can constitute a ground for denial of employment.

48. The impugned decision therefore cannot be sustained. The writ petition succeeds.

49. The writ petition No. WPA 6821 of 2022 is allowed with the following directions:

- i.* The letter dated 16th December, 2021 issued by the respondent authority declaring the petitioner unfit for employment on the ground of colour blindness is hereby set aside.
- ii.* The respondents are directed to give effect to the provisional selection of the petitioner for the post of Accountant/Cost Accountant, T & S Grade 'A', in accordance with the selection process, by treating colour blindness, by itself, as not constituting a disqualification for his appointment to the said post.
- iii.* Necessary consequential steps for issuance of the appointment letter shall be taken by the competent respondent authority within a period of four weeks from the date of communication of this order.

50. The writ petition No. WPA 6821 of 2022 is accordingly allowed and disposed of.

51. Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)