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

+ W.P.(C) 9850/2015

SHUBH KARAN NAYAK

..... Petitioner

Through

Dr. Vijendra Mahndiyan, Ms. Pallavi
Awasthi and Mr. Puneet Kumar,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Abhay Prakash Sahay, CGSC
along with Mr. Santosh Kumar
Pandey, Advocate (Govt. Pleader) for
UOI.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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09.01.2017

The petitioner, a candidate for the post of Constable Sweeper in the Central Industrial Security Force has filed this writ petition challenging his disqualification on medical grounds. According to the petitioner, the petitioner underwent physical test at Jhajjar in Haryana on 09.02.2015. He successfully cleared the physical examination, after which, he appeared for a trade test which was conducted on 10.02.2015 in which he secured 97% marks.

By a letter dated 05.06.2015, the petitioner was called for medical examination on 27.06.2015 at 0800 at CISF NHCC Hospital at Saket in New Delhi. The petitioner was medically examined on 01.07.2015 but found unfit on the ground of “deformity of upper jaw and lower jaw with teeth position not proper”. The petitioner applied for review medical examination on 20.08.2015. The petitioner was referred to Safdarjung Hospital for opinion where the doctors opined “Slight restricted mouth opening with no functional deformity since birth. It does not require any surgical intervention for functional deformity.” The result of the review medical examination has been annexed. It appears that the Sardarjung Hospital opined that cleaning was required. There was malalignment which did not cause any harm to the patient in eating, speech, drinking, etc. The patient could do any work easily.

Learned counsel appearing on behalf of the respondents has drawn our attention to the medical guidelines relating to dental examination, extracted hereinbelow:-

“III. DENTAL EXAMINATION

1. General Consideration:

- a) *The acceptance or rejection of a candidate on account of loss or decay teeth will depend on the relative positions of the sound teeth.*
- b) *A candidate must have sufficient number of natural teeth to enable him masticate efficiently and on no account will be accepted, if he/she require artificial dentures for efficient mastication (i.e. artificial fixed denture replacing any molar).*
- c) *In order to assess whether a candidate has a sufficient number of teeth masticate efficiently, the following*

guidelines will be taken into consideration for calculation of Dental points.

2. Calculation of Dental Points:

- i. Teeth which are not considered necessary for efficient mastication are allotted **ONE POINT** each and those essential **TWO POINTS** each.
- ii Each Incisor, Canine, 1st and 2nd Premolar will have one point provided that corresponding lower teeth are present.
- iii Each 1st and 2nd Molar and well developed 3rd Molar will have the value of two points provided in good opposition to corresponding teeth in the lower jaw.
- iv In case of 3rd molar not well developed it will have a value of one point only.
- v. When all the 16 teeth are present in the upper jaw and in good functional apposition to corresponding teeth in the lower jaw, the total value will be 20 or 22 points according to whether the 3rd molar are well developed or not.
- vi. The following natural teeth will be present in the upper jaw in good functional apposition to the corresponding teeth in the lower jaw:-
 - (a) Any 4 of the 6 anterior
 - (b) Any 6 of the 10 posterior

Thus, the dental points will be counted as under:-

SL. No.	Name of teeth	Teeth in either jaw	Number allotted for each tooth, if in good functional apposition to the corresponding teeth in the other jaw	Dental points
1	Incisors	4	1	4
2	Canine	2	1	2
3	Premolars	4	1	4
4	Molars	6	2	12

Maximum total points = 4+2+4+12= 22

A candidate will be accepted provided there are at least 14 Dental Points in his/her mouth and all these teeth must be sound or repairable. Thus, the minimum number of points required in a candidate will be 14. Well filled teeth will be considered as sound. No points will be counted for artificial denture.”

From the prescriptions, it appears that the petitioner has sufficient number of teeth. The reports do not clearly say that he is incapable of masticating efficiently. As per the opinion of the specialised doctors of Sardarjung the malalignment does not affect the functioning in any manner. We deem it appropriate to direct that the respondents to refer the petitioner to the Army Research and Referral Hospital for a fresh review medical examination. Needless to mention that the Army Research and Referral Hospital shall constitute a Medical Board to examine the petitioner which shall consist of inter alia a dental surgeon and give its opinion in the light of the recruitment notice as also the Uniform Guidelines for medical examination for recruitment in the Central Armed Police Forces. Such review examination shall be carried out preferably within a fortnight from the date of this order. The candidature of the petitioner shall abide by the medical opinion given by the Army Research and Referral Hospital.

With these directions, the writ petition is disposed of.

Dasti.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

JANUARY 09, 2017/rs

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