

\$~7

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

+ W.P.(C) 8713/2018 & C.M. Nos.33460/2018 (for directions) &
33461/2018 (for directions)

BHIM SINGH

..... Petitioner

Through

Mr.Tarun Sharma, Adv. with
Mr.Akanksha Kapoor, Adv.

Versus

STAFF SELECTION COMMISSION

..... Respondent

Through

Mr.Bhagvan Swaroop Shukla, Adv.
with Mr.Kamaldeep, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

19.09.2018

1. By way of the present petition, the petitioner seeks a direction to the respondent/Staff Selection Commission (SSC) to permit him to appear before the Review Medical Board after quashing the impugned order dated 06.08.2018, whereunder his request for a review medical examination was turned down on account of incomplete medical documents.

2. Mr.Sharma, learned counsel for the petitioner submits that the respondent/SSC had invited online applications to recruit Sub-Inspectors in the Delhi Police, Central Armed Police Forces & Assistant Sub-Inspectors in the Central Industrial Security Force on

22.04.2017. The petitioner had submitted his online application and upon qualifying the endurance test, had cleared the same on 26.10.2017. However, vide memorandum dated 10.04.2018, the petitioner was declared medically unfit due to “*Cardiomegaly*”. The memorandum dated 16.08.2014 had stated that in the event a candidate wishes to file an appeal against the findings of the medical examination, he may apply for a Review Medical Examination in the enclosed format after obtaining necessary certificate from a medical practitioner, as per the prescribed form within fifteen days from the date of his medical examination.

3. It is the stand of the petitioner that he had filed an appeal on 16.04.2018, for seeking a review medical board and had stated therein that a medical fitness certificate in the prescribed format had been enclosed. On a perusal of the medical fitness certificate enclosed by the petitioner with his appeal, it transpires that the same had not been issued by a Specialist in the field, i.e., by a Cardiologist. Instead, the same has been issued by a Senior Medical Officer, General Hospital, Hissar.

4. In view of the petitioner failing to comply with the procedure prescribed by the respondents in the memorandum dated 16.04.2018, his application for seeking a review medical test was rejected by the respondents on the ground that the certificate furnished by the petitioner was not from the concerned Specialist.

5. Learned counsel for the petitioner submits that the respondents have yet to declare the final results of the selection and if the

petitioner is granted one more opportunity to submit a certificate from the concerned Specialist, he shall do so and then directions may be issued to the respondents to send the petitioner for a review medical examination.

6. On the first call, we had passed over the matter to enable learned counsel for the respondents to obtain instructions from the department as to whether the final result of the examination has been declared by the SSC. On pass over, learned counsel states that he has received an e-mail from the Department stating *inter alia* that the results of the subject examination are likely to be declared very soon.

7. That being the position, instead of directing the petitioner to produce the requisite certificate from a Cardiologist, for facilitating him to appear before a Review Medical Board, the respondents are directed to take steps to have the petitioner examined by a Cardiologist who shall issue a certificate in terms of the memorandum dated 16.04.2018, in case he is found fit, and an appropriate decision taken by the Review Medical Board, based on the opinion of the Cardiologist. The entire exercise of having the petitioner examined by a Cardiologist and depending on its outcome, by the Review Medical Board, shall be completed by the respondents well before the date of declaration of the subject examination.

8. The petition is disposed of on the aforesaid terms along with pending applications.

9. **DASTI** under the signatures of the Court Master to the counsel for the parties.

HIMA KOHLI, J

REKHA PALLI, J

SEPTEMBER 19, 2018/aa