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

+ W.P.(C) 6940/2017 and CM APPL. 28856/2017

HEMANT KUMAR Petitioner

Through: Mr. R.S. Kaushik, Advocate

versus

CHAIRMAN, STAFF SELECTION COMMISSION & ANR

..... Respondents

Through: Ms. Sushila Narang, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **13.03.2018**

1. This petition has been filed by the petitioner praying *inter alia* for directing the respondent No.1/SSC and respondent No.2/ITBP to constitute a Medical Board to examine him for recruitment to the Delhi Police or the CAPFs, if found fit.

2. The brief facts of the case are that on 09.01.2016, the respondent No.1/SSC had published a notice in the Employment News, inviting applications for recruitment of Sub-Inspectors in the Delhi Police, CAPFs and Assistant Sub-Inspector in the CISF Examination, 2016. The petitioner had applied for the subject examination and had cleared the first phase of the written examination and the second phase of physical efficiency test. Thereafter, the petitioner's medical examination was conducted on 13.04.2017 at the Referral Hospital, CAPF, Greater Noida, where he was

declared medically unfit on account of three infirmities, i.e., “*knock knee, cubitus valus and left hand polydactyl (extra thumb)*”. Aggrieved by the aforesaid decision, the petitioner applied for a Review Medical Board, which was conducted on 15.07.2017, wherein he was declared fit for two medical infirmities, i.e., “*knock knee, cubitus valus*”, but was declared unfit on account of “*left hand polydactyl (extra thumb)*”.

3. Learned counsel for the petitioner submits that the “Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles”, as revised in May, 2015 do not extend to the recruitments made in the Delhi Police and the petitioner being a meritorious candidate, having been placed at Sr.No.21 in the tentative merit list in the written examination, had every reason to believe that he would be selected in the Delhi Police but his case was turned down only on account of the fact that he has an extra thumb of his left hand.

4. Learned counsel for the respondents counters the aforesaid submission and submits that there are no separate Guidelines laid down by the respondents for inducting/recruiting Sub Inspectors in the Delhi Police and the said Guidelines have in fact been issued by the Ministry of Home Affairs (Police Division-II) of the Government of India itself. The same applies across the board for recruitment in all the CAPFs, including Sub Inspectors in the Delhi Police. She draws the attention of the court to the first page of the revised Guidelines, which states as below:-

“The medical fitness criteria have due allowances for the age of the candidate yet it should be understood that the question of fitness involve future as well as present and that one of the main object of medical examination is to secure a continuous effective service and to prevent early pension or payment due to

premature discharge from service or death. The instructions of medical examination had been issued by MHA for Asstt. Commandant, Sub Inspectors and Constable in CAPFs separately and have been amended as and when need arose.”

5. Counsel for the respondents explains that the candidature of the petitioner was rejected on account of his medical infirmity, in terms of para 6(27) of the captioned Guidelines, which lays down the general grounds for rejection and states that a candidate can be rejected if he is suffering from “Polydactyl of hands/feet”.

6. We have perused the Guidelines placed on record. The first page of the said Guidelines titled “Acknowledgement”, has not been enclosed by learned counsel for the petitioner at Annexure P-6 (colly.). The same has however been filed by learned counsel for the respondents alongwith the counter affidavit and is marked as Annexure R-2 and the relevant extract has been reproduced hereinabove. In view of the fact that the said Guidelines have been applied uniformly for recruitment of Sub Inspectors in the Delhi Police, CAPFs and Assistant Sub Inspectors in the CISF Examination, 2016, the petitioner cannot raise a grievance that he has been discriminated against. Merely because the petitioner’s first preference for recruitment was Delhi Police, cannot mean that the said Guidelines that have been followed by the respondents for selecting all the candidates irrespective of their preference of a particular Force, would not apply to those who gave their first preference for being recruited in the Delhi Police. The medical standards fixed by the respondents for recruitment to the subject post are common and identical in respect of all the candidates notwithstanding the organisation for which they gave their preference and for which they have

been selected. Para 6(27) of the Guidelines specifies “*Polydactyl of hands/feet*” as a medical condition which can be a ground to reject a candidate.

7. That being the position, we find no ground for interference in the impugned order. Accordingly, the present petition is dismissed as meritless alongwith the pending application. No orders as to cost.

HIMA KOHLI, J

PRATIBHA RANI, J

MARCH 13, 2018

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