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

+ **W.P.(C) 13136/2021 & CM APPLs. 41425-41426/2021**

APARAJITA

..... Petitioner

Through: Mr. Amit Kaushik, Advocate.

versus

CENTRAL RESERVE POLICE FORCE AND ORS Respondents

Through: Mr. Rajesh Gogna, Advocate.

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Date of Decision: 23rd November, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. Present writ petition has been filed challenging the Memorandum dated 28th October, 2021 issued by respondent No.1, whereby the petitioner was declared medically unfit on account of being overweight and having defective distant vision. Petitioner also seeks directions to the respondents to medically re-examine the petitioner in a time bound manner and allow him to participate in the documents verification to be conducted in December, 2021.

2. Learned counsel for the petitioner states that the petitioner qualified Paper-1 and Paper-2 in the SI-CPO Examination Notice, 2019 and was shortlisted by respondent No.3 for a Detailed Medical Examination. He further states that the petitioner was initially declared unfit on 27th October, 2021, by respondent no.1 on the grounds of overweight and Defective

Distant Vision of both eyes, in furtherance of which the petitioner opted for a Review Medical Examination.

3. Learned counsel for the petitioner states that in the Review Medical Examination, the height and weight of the petitioner were incorrectly measured as 157 cms and 58.2 kgs as against the correct measurement of 159 cms and 57 kgs respectively and the petitioner was declared medically unfit on the same grounds as that of the detailed medical examination.

4. He further states that para 11.6.2 of the SI-CPO Examination Notice, 2019 provides for the weight of the candidate to correspond to the height and therefore applying the formulae of Body Mass Index, the BMI of the petitioner comes to 22.50 kg/m^2 which is within the healthy range of 18.5 to 24.9 kg/m^2 . He submits that a variation of 5 kg in weight is acceptable in terms of Medical Examination Guidelines.

5. He states that the petitioner got her eyes checked in a reputed Government Hospital on 30th October, 2021 and the vision parameters for both the eyes came to be 6/6 which is within the acceptable standards in terms of the Medical Examination Guidelines.

6. It is settled law that this Court in writ jurisdiction only examines the decision making process to ensure that the petitioner is treated fairly and reasonably by the respondents.

7. As per the Review Medical Board, the height and weight of the petitioner is 157 cms and 58.2 kgs respectively, which in turn makes the petitioner overweight by 7.2 kgs in accordance with Annexure-I of the Medical Examination Guidelines. Even if the petitioner's averments in the writ petition are believed then also the petitioner is overweight by 5.25 kgs.

8. Consequently, admittedly, the petitioner was overweight by more than 5 kgs. on both the occasions i.e. the date when the initial Medical Board was held as well as on the date when the Review Medical Board was held. Accordingly, the present matter is not a doubtful case of overweight as the petitioner does not fall within the ± 5 kgs. category.

9. This Court is of the view that the criterion of BMI is to be applied only in doubtful cases of overweight. As the petitioner was found overweight by both the Initial Medical Board as well as Review Medical Board and that too, by more than 5 kgs., the petitioner is not a doubtful case of overweight and consequently, the criterion of BMI is not applicable.

10. Accordingly, the present writ petition being bereft of merit is dismissed along with pending applications.

MANMOHAN, J

NAVIN CHAWLA, J

NOVEMBER 23, 2021

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