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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 09.02.2022***

+ W.P.(C) 517/2022

ASHOK

..... Petitioner

Through Mr.O.P.Agarwal, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr.Arn timer Kumar, Adv.
Dr. Padma Tamang is present
through video conference.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****HON'BLE MR. JUSTICE NAVIN CHAWLA****NAVIN CHAWLA, J. (Oral)**

The petition has been heard by way of video conferencing.

1. The present petition has been filed seeking rectification of medical reports of the Review Medical Examination (in short, 'RME') dated 13.10.2021 by accepting the 'Fitness' Report dated 11.09.2021 given by the Dental Surgeon of Government Hospital, Jhajjar.
2. It is the case of the petitioner that pursuant to the advertisement for appointment to the post of Head Constable (GD) under the sports quota in the Central Industrial Security Force (in short, 'CISF'), the petitioner preferred an application for being considered for the said



post. The petitioner is a national-level wrestler and has participated in several National, State and Zonal-level wrestling competitions.

3. Upon clearing the document-verification process, the petitioner was asked to appear for his Detailed Medical Examination (in short, 'DME') at CISF 5th RB, Ghaziabad, Indirapuram, Shipra Sun City, Uttar Pradesh (hereinafter referred to as 'CISF 5th RB') on 03.09.2021. Vide letter dated 04.09.2021, the petitioner was issued a rejection slip for medically unfit candidates informing the petitioner that he had been declared medically unfit on three grounds, namely, '*insufficient dental points*', '*DNS/Deviated Nasal Septum*' and '*Tattoo on dorsum of RT Hand.*'

4. The petitioner preferred an appeal against the finding of the DME and underwent his RME at CISF 5th RB, and vide the impugned report, the petitioner was found to be 'fit' on two grounds, namely, '*DNS*' and '*tattoo on dorsum of RT hand*' but was still found to be 'unfit' on the ground of '*insufficient dental points*'.

5. The learned counsel for the petitioner places reliance on the certificate of medical fitness issued to the petitioner by the Dental Surgeon of Government Hospital, Jhajjar, wherein the petitioner has been found to have all teeth restored and no other abnormality was detected.

6. The learned counsel for the petitioner further submits that there is also an inconsistency in the report of the DME and the RME inasmuch as the petitioner has been found by the RME to be 'fit' on



account of 'DNS' and 'tattoo on dorsum of RT hand', while the DME had found him to be 'unfit' on these counts. He submits that on account of these inconsistencies, the petitioner should be granted another opportunity of medical examination.

7. The learned counsel for the respondents, on the other hand, places reliance on the result of the RME, wherein upon examination by the Board, the petitioner was found to have insufficient dental points and was referred to a dental surgeon at RH CRPF for a specialist opinion and was found to have merely thirteen dental points. He submits that the same is a disqualification in terms of Clause 9(III)(2) of the of the 'Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles: Revised Guidelines as on May 2015' (hereinafter referred to as the 'Guidelines'), relevant extract from which is as under:-

“III. DENTAL EXAMINATION

1. General Consideration:

- a) xxxx
- b) *A candidate must have sufficient number of natural teeth to enable him to masticate efficiently and on no account will be accepted, if he/she requires 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 to masticate efficiently, the following guidelines will be taken into consideration for calculation of Dental point :-*

2. Calculation of Dental Points:

xxxx



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

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

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 reparable. Thus, the minimum number of points required in a candidate will be 14. Well filled teeth will be considered sound. No points will be counted for artificial denture.

(Emphasis Supplied)

8. This Court, vide its order dated 11.01.2022, had directed the respondents to produce the medical record of the petitioner before the next date of hearing. The Court had further directed the doctor who had conducted the RME of the petitioner to join the proceedings by way of an online video link on the same date.



9. Dr. Padma Tanang, who had joined the proceedings by way of online video link in pursuance of the last order, confirmed that the petitioner was found to be medically unfit on the ground of '*insufficient dental points*' as is evidenced by way of examination by a specialist doctor as well as an X-Ray conducted.

10. We have considered the submissions made by both the parties.

11. The Guidelines, which act as the standard operating procedure with respect to the conduct of the DME as well as the RME in the Central Armed Police Forces, set out the requirements with respect to dental examination and the calculation of dental points. The petitioner has been found to have insufficient dental points, both at the stage of DME as also RME. There is no inconsistency in the two reports as far as this aspect is concerned. In fact, as was expected of RME, the RME has fairly re-examined the petitioner for *DNS/Deviated Nasal Septum*' and '*Tattoo on dorsum of RT Hand*' and found the petitioner 'fit' on these counts. Merely for this reason, the report of RME as far as dental examination of the petitioner is concerned, cannot be doubted.

12. As far as the reliance on the report of Government Hospital, Jhajjar is concerned, in view of the fact that the petitioner was examined by a specialist doctor at the stage of the RME who opined that the petitioner was suffering from '*insufficient dental points*', we again find no merit. In the present case, the DME as also the RME have found the petitioner to be medically unfit based on the insufficient dental points, found to be thirteen in number. It is to be noted that the RME is held merely to ensure that no error has been



made at the DME stage in examining the candidate. Once the RME report has confirmed the results of the DME, it is not for this Court to disregard or doubt these medical reports on the basis of a report from a civil hospital.

13. This Court, in its judgment dated 29.11.2021 in ***Sandeep vs. Indo Tibetan Border Police Force & Ors.***, W.P. (C) 13456 of 2021, has held that medical opinion can vary from professional to professional, but once the recruitment procedure provides for finality and is found to have provided for a review to eliminate the possibility of human error, the finality has to be accepted, unless a case for interference is made out.

14. In ***Yogita Yadav vs. Union of India***, W.P.(C) 12858 of 2021, this Court has held that a further review is to be resorted to only in exceptional circumstances; in the event of glaring inconsistencies; or for any other exceptional reasons, for otherwise, the recruitment process shall remain endless.

15. This Court, in its judgment dated 21.12.2020 in ***Km. Priyanka vs. Union of India & Ors.***, W.P.(C) 10783 of 2020, has also held that the standard of physical fitness for the Armed Forces and the Police Forces is more stringent than for the civilian employment. It was held that it is the doctors of the Forces who are well aware of the demands of duties and the physical standards required to discharge the same. It was further held as under:

“8. We have on several occasions observed that the standard of physical fitness for the Armed Forces and the



Police Forces is more stringent than for civilian employment. We have, in Priti Yadav Vs. Union of India 2020 SCC OnLine Del 951; Jonu Tiwari Vs. Union of India 2020 SCC OnLine Del 855; Nishant Kumar Vs. Union of India 2020 SCC OnLine Del 808 and Sharvan Kumar Rai Vs. Union of India 2020 SCC OnLine Del 924, held that once no mala fides are attributed and the doctors of the Forces who are well aware of the demands of duties of the Forces in the terrain in which the recruited personnel are required to work, have formed an opinion that a candidate is not medically fit for recruitment, opinion of private or other government doctors to the contrary cannot be accepted inasmuch as the recruited personnel are required to work for the Forces and not for the private doctors or the government hospitals and which medical professionals are unaware of the demands of the duties in the Forces.”

16. In the present case, the report of Government Hospital, Jhajjar is even otherwise vague and does not give the count of petitioner’s dental points. No reliance can, therefore, be placed over this report.

17. In view of the above, we find no merit in the present petition and the same is dismissed. There shall be no order as to cost.

NAVIN CHAWLA, J

MANMOHAN, J

FEBRUARY 09, 2022/AB