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

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Date of decision: AUGUST 2, 2022

+ W.P.(C) 8360/2022

MANDRAI SARIKA RAJESH

..... Petitioner

Through: Mr. Amit Kaushik, Advocate.

versus

CENTRAL RESERVE POLICE FORCE AND ORS..... Respondents

Through: Ms. Sonal Kumar Singh, Mr. Suhel
Qureshi and Mr. Suraj Raj
Kesharwani, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

JUDGMENT (oral)

CM APPL. 33885/2022 (delay)

1. In view of the reasons stated in the present application, the delay of 2 days in filing the counter-affidavit is condoned. Counter-affidavit is taken on record.

2. Accordingly, the present application is allowed and disposed of.

W.P.(C) 8360/2022 & CM APPL. 25175/2022 (stay)

3. By way of the present petition, the petitioner seeking following reliefs:

“a. The Hon’ble court may be pleased to set-aside the decision dated 26.04.2022 of the Respondent No. 1



declaring the Petitioner as Unfit; and/or
b. The Hon'ble court may be pleased to direct the Respondents to allow the Petitioner to participate in the Documents Verification to be conducted; and/or
c. The Hon'ble court may be pleased to direct the Respondent No. 1 to place on record the medical record of the Petitioner; and/or
d. The Hon'ble court may be pleased to direct the Respondents to medically re-examine the Petitioner within a time bound manner; and/or
e. The Hon'ble court may be pleased to direct the Respondents to stay the process of recruitment until the present petition is disposed; and/or
f. The Hon'ble court may be pleased to direct the Respondents to reserve seats for the Petitioner in the merit list which may be prepared during the pendency of the present Petition; and/or
g. The Hon'ble court may be pleased to direct the Respondents to subject the final result which may be declared to the outcome of the present petition;”

4. The petitioner participated in the selection process who cleared the written examination, however, he was declared unfit in the medical examination conducted in April, 2022 for the post of Sub Inspector in various Police Forces under the respondent no.2 which was taken without following the uniform guidelines for recruitment of medical examination for recruitment to CAPF(s) dated 20.05.2015 as amended on 31.05.2021 issued by respondent no.2 without considering the medical report from the government hospital wherein the petitioner was referred by respondent no.1 itself. When the matter was taken up on 26.05.2022, respondents sought time to take instructions, particularly on Medical Report of the Dr. D. Y. Patil Medical College, Hospital & Research, Pune to apprise this Court accordingly. Consequently, this Court directed them to produce the said



Medical Report of aforementioned hospital before this Court.

5. On 14.07.2022, the learned counsel for respondents, on instructions from Mr. Rajesh Singh, submitted that BSF is the Nodal Authority and the said force has intimated about the aforesaid order. Responding thereto, the respondents were told that there is no such medical report of petitioner's examination prepared by the said hospital.

6. Accordingly, the Medical Superintendent of the aforementioned hospital was directed to file an affidavit as to why the Medical Report of the examination of the petitioner has not been prepared on 26.04.2022. Pursuant thereto, the said Hospital filed affidavit stating that the petitioner visited on 26.04.2022 as referred by CRPF, Pune. As per the Hospital, the petitioner was directly referred for dental X-ray and the hospital did not give any fitness report to the petitioner.

7. The learned counsel appearing on behalf of the respondents submits that on receipt of the X-ray report, the review medical board again declared the petitioner unfit for the post in question.

8. The case of the petitioner is that in review medical board, there was no Dentist and the report was prepared by non expert. The same cannot be taken into consideration and the petitioner was wrongly declared unfit for the service by the respondents.

9. Without going in this issue, in the interest of justice, we hereby direct the Medical incharge of the RR Hospital to constitute a Medical Board to be headed by a Dental Specialist for examining the petitioner within a period of four weeks. The RR Hospital shall communicate the outcome thereof to the petitioner within a week thereafter.

10. It is made clear and as admitted by the petitioner present in person



that the report of the RR Hospital shall be final. If the report of the RR Hospital is in favour of the petitioner, the respondent shall allow her to participate in a further selection process and if the report is negative, that would be binding upon the petitioner.

11. In view of the above, the petition is disposed of.
12. Copy of this order be communicated to the Incharge, R.R. Hopital.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

AUGUST 2, 2022/So

