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

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Judgment delivered on: 03.07.2023

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W.P. (C) 8689/2023 & CM. APPLs. 32891-92/2023

BHAGWAT SINGH

..... PETITIONER

versus

UNION OF INDIA AND OTHERS

.... RESPONDENTS

Advocates who appeared in this case:

For the Petitioner:

Mr. Brijesh Yadav and Ms. Nikita, Advocates.

For the Respondent:

Mr. Vijay Joshi and Mr. Gurjas Singh Narula,
Advocates .

Mr. Hemendra Singh, Deputy Commandant, Law,
BSF.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of the detailed medical examination result dated 01.06.2023 and the review medical examination result dated 02.06.2023, whereby the petitioner was declared to be medically unfit on the ground of being overweight.

2. Learned counsel for petitioner submits that the respondents have erred in not taking into account the guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam

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Rifles (hereinafter referred to as the 'Guidelines') as revised in May, 2015, which permit a relaxation of +/- 5 Kgs.

3. Issue notice. Notice is accepted by learned counsel for respondents.

4. With the consent of parties, the petition is taken up for final disposal today itself.

5. Respondent No.2 had issued a notification for recruitment of Assistant Commandants through Limited Departmental Competition Examination (LDCE) for the years 2018 to 2022 in a single examination. Petitioner, who was already working as a Sub-Inspector in the Border Security Force (BSF), opted to participate in the LDCE, which was held on 28.08.2022. Petitioner qualified the written examination as also the interview and personality test.

6. Petitioner was thereafter called for medical examination on 01.06.2023. The result of medical examination was declared and petitioner was found to be unfit.

7. The Medical Board proceedings of 01.06.2023 records the reason for declaring the petitioner unfit as under:-

“Overweight by 1.5 kg, Age 35 yr, Height 174 cms, Required Wt. =61-74.5 $\pm$ 5 kg.

BMI=26.8, still overwt. by 1.5 kg after 05 kg relaxation”

8. The Guidelines in General Instructions for Recruitment Board



i.e., instruction 2 (d), *inter-alia*, stipulates that “*in borderline cases of overweight, BMI should also be considered to arrive at conclusion and variation of 5 Kg +/- from the minimum/maximum limit may be accepted.*” Petitioner therefore requested for a review Medical Board, which was conducted on 22.06.2023 in which the weight of the petitioner was recorded as under:-

“*WEIGHT-79 KGS. Ht. 174 Cm, (wt range 61 to 74.5 kg)*
BMI 26 Kg/m²”

9. The Guidelines permit a relaxation of +/- 5 kg in borderline cases. Clearly, the case of the petitioner falls in the borderline category. Further, we may note that the review Medical Board records the weight of the petitioner as 79 kg and the weight required as 61 to 74.5 kg. In Annexure-1 to the Guidelines, the male average weights in kilograms for different age groups and heights in respect of the height of 174 cms. and age 33-37, the male average body weight is specified as 61-74.5 kgs, which is what is recorded in the review medical examination report. The review Medical Board also records that the petitioner is overweight by 4.5 kgs.

10. The result of the review Medical Board when examined in the light of the Guidelines, particularly, Guideline 2 (b) extracted hereinabove, shows that an error has been committed by the review Medical Board in declaring the petitioner as unfit for the reason that the Guidelines prescribe that in borderline cases, a variation of +/- 5 kg. from minimum/maximum limit may be accepted. In the case of



the petitioner, relaxation of 5 kg would mean that the weight of 79.5 kg was permissible for being considered.

11. In the case of the petitioner, petitioner is recorded as having a weight of 79 kg on the date of the Review Medical Board. This is further fortified from the result of the first medical examination wherein 5 kg relaxation was granted to the petitioner.

12. The Guidelines clearly prescribe a variation of +/- 5 kgs of weight and the weight of the petitioner as recorded in the review Medical Board held on 02.06.2023 shows that the petitioner was within the limit of +/- 5 kg from the required average body weight of 74.5 kg. Clearly, the review Medical Board result on 02.06.2023, declaring the petitioner as unfit cannot be sustained. Accordingly, the same is set aside. Petitioner is declared to be within the permissible limit of weight as required by the extant Guidelines.

13. Petition is accordingly allowed in the above terms. It is, however, clarified that the petitioner would have to satisfy the other requirements as required by the Rules for the purposes of appointment.

14. Order *dasti* under signature of the Court Master.

SANJEEV SACHDEVA, J

JULY 03, 2023/NA

MANOJ JAIN, J

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