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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11.01.2022

+ W.P.(C) 13079/2021 & CM 41259/2021

CHITRA

..... Petitioner

Through Mr.Aayushman Aeron, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Ms.Archana Gaur, Ms.Ridhma
Gaur, Adv.**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. This petition has been filed by the petitioner challenging the result of the Detailed Medical Examination (in short, 'DME') of the petitioner conducted on 26.10.2021 as well as the result of the Review Medical Examination (in short, 'RME') conducted on 27.10.2021. The petitioner further prays for direction to the respondents to conduct a fresh DME for the petitioner.

2. The petitioner had applied pursuant to the notice inviting applications for the post of Sub-Inspector in the 'Delhi Police, CAPFs



and Assistant Sub-Inspector in CISF Examination 2019'. The petitioner, upon clearing the Physical Endurance Test and Physical Standards Test (PET & PST), was invited for her DME at the Composite Hospital, CRPF, GC Campus Golf Course Road, Ajmer, Rajasthan (hereinafter referred to as 'CH CRPF').

3. It is the case of the petitioner that during the DME conducted on 26.10.2021, she was found unfit on two grounds, which are as follows:

- i) Overweight (10 kgs);
- ii) Anaemia

The learned counsel for the petitioner submits that at the PST stage, her height was recorded at 164 cm. The DME result did not mention the measurements, but it was understood that the petitioner's weight was recorded at 64 kg and the petitioner was informed that she is overweight by 10 kg.

4. Aggrieved by the result of the DME, the petitioner applied for her RME which was to be held on 27.10.2021 at CH CRPF. At the RME stage, the petitioner was first weighed at 9 AM and her weight was found to be around 56.8 kg. Further, at around 6 PM, the petitioner was weighed again and her weight was recorded at 57 kg. Vide the result of the RME, which was declared on 27.10.2021, the petitioner was found medically fit on the ground of anaemia but was still found medically unfit on the ground of being overweight by 3 kg.

5. The learned counsel for the petitioner has placed reliance on the 'Guidelines for Recruitment Medical Examination in CAPF and



Assam Rifles’ (hereinafter referred to as the ‘Guidelines’) issued in the year 2015 to submit that a variation of 5 kgs was to be accepted. The learned counsel for the petitioner submits that the declaration of the petitioner as ‘Unfit’ is therefore, incorrect and is liable to be set aside.

6. On the other hand, the learned counsel for the respondents submits that the petitioner having been found overweight, has been rightly declared ‘Unfit’ for appointment.

7. We have considered the submissions made by the learned counsels for the parties. Clause 2(d) of the Guidelines as on May, 2015 *inter-alia* prescribe the following standards for weight:

**“2. GENERAL INSTRUCTIONS FOR
RECRUITMENT BOARD.**

xxxx

(d) Measurement of physical standards viz. height, weight, and chest is the responsibility of the Physical Standard Test Board (PST Board) for all categories of candidates i.e GOs, SOs and Ors. Medical officers will not be part of PST board both for Male & Female candidates. Since presence of a female is required at the time of recording of physical standard (PST), a female non medical staff may be associated with PST board. Recruiting medical officer need not record to physical measurements. Recruiting medical officer will mention physical standard in the medical examination form as recorded by the PST board. In borderline cases of overweight, BMI should also be considered to arrive at conclusion and variation of 5Kg +/- from the minimum/maximum limit may be accepted. Similarly while measuring height fraction of cm less than 0.5 will be ignored and 0.5 cm & more will be rounded off to the



next higher cm. Standard height weight chart is attached at ANNEXURE-I.”

8. A reading of the above clause would show that in borderline cases, the Body Mass Index (in short, ‘BMI’) of the applicant is to be considered. The borderline cases are prescribed as being in variance of 5 kg from the maximum or minimum limit. The standard height/weight chart, which has been annexed as Annexure-6 to the writ petition, details the weight range at various heights. The respondent does not deny that the petitioner’s weight at the time of RME was not exceeding more than 5 kgs of the maximum weight prescribed for her height and her BMI was also within permissible limit.

9. This Court, in its judgment dated 17.12.2021 in ***Pankaj Kumar v Central Reserve Police Force and Ors.***, W.P.(C) 13134/2021, relying upon Clause 2(d) of the Guidelines, had also reversed the finding of the petitioner therein being deemed medically unfit on the ground of being overweight.

10. In view of Clause 2(d) of the Guidelines, we find that the petitioner could not have been declared medically unfit. Accordingly, the findings of the RME declaring the petitioner as ‘Unfit’ for appointment, is set aside. The respondents are directed to process the application of the petitioner further, in accordance with law.



11. The petition is disposed of with the above direction. There shall be no order as to cost.

NAVIN CHAWLA, J

MANMOHAN, J

JANUARY 11, 2022/AB

