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

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Judgment delivered on: 19.07.2023

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W.P. (C) 9494/2023 & CM. APPL. 36290-91/2023

RAVI KUMAR

..... PETITIONER

versus

UNION OF INDIA AND OTHERS

.... RESPONDENTS

Advocates who appeared in this case:

For the Petitioner:

Mr. Brijesh Yadav, Mr. Sandeep Yadav and Ms. Nikita, Advocates.

For the Respondent:

Ms. Vinita Bakshi and Mr. Hardik Bedi, Advocates

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 06.06.2023 and the review medical examination result dated 07.06.2023, whereby the petitioner has been declared overweight.

2. Height of the petitioner is recorded as 167 cms. and weight as



71 kgs. 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 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 06.06.2023. The result of medical examination was declared and petitioner was found to be unfit.

7. Petitioner was thereafter examined by the review medical examination board and the review medical examination board



recorded the height of the petitioner at 167 cms, weight 71 kgs and BMI at 25.45 kgs per inch square.

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.*”

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 71 kgs and the weight required as per the Guidelines for the height of 166 cms. for the age group 33-37, is 54.5-66.5 kgs and for 168 cms. is 66-68 kgs for the same age group. Petitioner is aged 40 years and is entitled for age relaxation. The Guidelines further prescribe:-

- *The body weights are given in this chart corresponding to only certain height (in cms) on even numbers only. In respect of heights in between, the principle of 'Average' will be utilized for calculating body weights.*
- *Where Age for Govt employees is relaxed above the age of 37 (for eg 40 or more) the average weight be arrived by using BMI”*



10. Applying an average of the heights between 166 and 168 cms (since petitioner is 167 cms), the maximum weight permissible is 67.25 kgs. Applying the above Guidelines of granting a variation of 5 kgs $\pm$ from the minimum/maximum limit, the petitioner who has been reported as having a weight of 71 kgs. is within the permissible acceptable limit of $\pm$ 5kgs

11. 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 $\pm$ 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 71 kg was permissible for being considered.

12. Clearly, the review Medical Board result, 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 19, 2023/NA

MANOJ JAIN, J

