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

+ **W.P.(C) 1195/2024 & CM APPL. 4992/2024**

DEEPAK

..... Petitioner

Through: Mr. Joby P. Varghese, Mr. A.
Varghese and Mr. Lokesh Nigam,
Advocates

versus

CENTRAL INDUSTRIAL SECURITY FORCE AND ANR

..... Respondents

Through: Mr. Siddharth Khatana, SPC with SI
Prahlad and SI Amit Kumar, CISF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

29.01.2024

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CM APPL. 4991/2024 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 1195/2024 & CM APPL. 4992/2024

1. This petition has been filed by the petitioner with the following prayers:

“In view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be graciously pleased to:-

i. Set aside/quash the review medical board order dated



04.01.2024 issued by Respondent No.1 whereby Petitioner was declared unfit for joining due to the reason 'over weight' BMI-27.4;

ii. Issue a writ of Mandamus or any other like writ, order or direction in the nature thereof directing the Respondents to appoint Petitioner to the post of Constable(Driver)/Constable DCPO; and

iii. Pass such other order(s) as this Hon'ble Court may deem fit in the fact and circumstances of the present case."

2. In substance, the petitioner challenges the findings of the Review Medical Board whereby the petitioner has been declared 'over weight' with BMI-27.4.

3. Mr. Varghese, learned counsel for the petitioner submits that the said finding of the Review Medical Board is apparently incorrect as the height of the petitioner is 177cm and not 171cm.

4. According to him, the BMI 27.4 has been arrived at with the height recorded as 171cm. He has drawn our attention to the page 73 which is a prescription of A.I.I.M.S. wherein the height has been recorded as 177cm. In other words, it is his submission, that with the height/weight of 177cm/80 kg, the BMI cannot be 27.4.

5. Noting the submissions made by Mr. Varghese and also perusing the page 73 which is the prescription of A.I.I.M.S. wherein the height of the petitioner has been recorded as 177cm, we are of the view that the finding of the Review Medical Board which has found the height of the petitioner 171cm, needs a relook, for which purpose we remand back the matter to the Review Medical Board for conducting the Medical Examination of the petitioner afresh. The exercise shall be undertaken within four weeks from



today. The respondents shall intimate the petitioner, the date and time for his appearance for the Medical Examination at least four days in advance.

7. It goes without saying that if the petitioner is found fit, further action shall be taken in accordance with the rules and regulations.

8. With the above terms, the petition alongiwth pending application is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 29, 2024/akr