



2024:DHC:9172-DB



\$~15

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 22.11.2024***

+ W.P.(C) 9867/2023, CM APPL. 37953/2023

ATESH SHARMA

.....Petitioner

Through: Mr. Aayushman Aeron and Mr.  
Divyanshu Shekhar, Advs.

versus

UNION OF INDIA &amp; ORS.

.....Respondents

Through: Mr. Shoumendu Mukherji, SPC  
with Ms. Megha Sharma, Mr.  
Arya Jha, Ms. Aniruddha  
Ghosh and Mr. Deepak Tanwar,  
Advs. for UOI.  
Dr. Pranjal Dubey (through  
VC).**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)**

1. By the present petition, the petitioner challenges the findings of the Detailed Medical Examination dated 24.06.2023 and the Review Medical Examination (RME) dated 08.07.2023, by which the petitioner was declared unfit for appointment to the post of Sub-Inspector (SI) in the Delhi Police and Central Armed Police Forces Examination, 2022 on the ground that he is suffering from *Abnormal X-ray - Incomplete left cervical rib* and that his '12<sup>th</sup> rib' is absent.
2. The learned counsel for the petitioner has submitted that the absence of the 12<sup>th</sup> rib does not, in any manner, effect or impede the



efficient discharge of duties. He also submitted that in the appointment for the post of SI in the Delhi Police and the Central Armed Police Forces Examination, 2022, he has been declared medically fit. He submits that, therefore, there is a contradiction in the two medical reports.

3. On the other hand, the learned counsel for the respondents has submitted that even the medical examination of the petitioner from the Yatharth Wellness Hospital and Trauma Centre, Greater Noida, Uttar Pradesh, confirms the absence of the 12<sup>th</sup> rib.

4. Dr. Pranjal Dubey, who appears pursuant to the directions of this Court *vide* Order dated 05.11.2024, has submitted a written reply as under:

*“1) Absent 12 rib is a congenital anomaly which has an incidence of about 1.75% in the general population.*

*2) this condition is more prevalent in females than males in a ratio of 3:1.*

*3) Usually this condition carries little or no clinical significance apart from a few significant associations.*

*4) Absent 12th rib may be associated or may predispose to the development of a condition called as The 12th rib syndrome.*

*5) This syndrome manifests as chronic pain ranging from mild to severe stabbing pain in the back, flanks and/or abdomen by a constant irritation of the 12th intercostal nerve due to a highly mobile 11th rib.*

*The pain is aggravated by certain movements and positions such as lateral/sideways movement of the upper body, rotational movement of body or rising from a sitting position etc.*

*The exact incidence of this condition is not known as it is largely underdiagnosed but it is deemed to be quite common.*



*6) In the job profile of a serving soldier, the candidate will remain exposed to the high possibility of developing this condition due to his congenital anomaly.”*

5. It need not be emphasised that the medical standards that are required for appointment to an Armed Force are more stringent as compared to what may be prescribed for most civilian posts. The medical standards that have been prescribed in the ‘Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles’ dated May, 2015, are only illustrative in nature and not exhaustive. Reliance in this regard is placed on the Judgment dated 21.12.2020 of this Court in W.P.(C) 10783/2020, titled **KM. Priyanka vs. Union of India & Ors.**, wherein it has been held as under:-

*“8. We have on several occasions observed that the standard of physical fitness for the Armed Forces and the Police Forces is more stringent than for civilian employment. We have, in Priti Yadav v. Union of India 2020 SCC OnLine Del 951; Jonu Tiwari v. Union of India, 2020 SCC OnLine Del 855; Nishant Kumar v. Union of India, 2020 SCC OnLine Del 808 and Sharvan Kumar Rai v. Union of India, 2020 SCC OnLine Del 924, held that once no mala fides are attributed and the doctors of the Forces who are well aware of the demands of duties of the Forces in the terrain in which the recruited personnel are required to work, have formed an opinion that a candidate is not medically fit for recruitment, opinion of private or other government doctors to the contrary cannot be accepted inasmuch as the recruited personnel are required to work for the Forces and not for the private doctors or the government hospitals and which medical professionals are unaware of the demands of the duties in the*



*Forces. In fact, the case of Priti Yadav (supra) also related to 'cubital valgus'. It is also to be noted that the specialists that the petitioner had consulted had also found that the petitioner suffered from 'cubital valgus' and therefore, the findings by the Medical Boards were not wrong.*

*9. What may seem as a minor difference in the assessment of the Civil doctors in comparison to the assessment of the Medical Boards, may blow up into a serious health condition during the course of service with the CAPFs. It is not in the interest of either the Police Forces or candidates that their medical problems are brushed aside only on the plea that it was a question of employment. The general health of candidates would be permanently impacted due to the stress, both physical and mental, on account of these medical shortcomings. On the other hand, the government would be saddled with a Police Force where such personnel would seek soft postings because of their health conditions and low medical category. This would lead to dissatisfaction amongst the personnel in the Forces as some people, who ought not to have been taken into the Forces, would always benefit, whereas the others would be mostly faced with hard postings and duties."*

6. Keeping in view the opinion expressed by Dr. Pranjal Dubey, we are of the opinion that no fault can be found in the rejection of the petitioner on the ground of the absence of the 12<sup>th</sup> rib.

7. Accordingly, the petition along with the pending application is dismissed.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**NOVEMBER 22, 2024/sds/B/SJ**

[Click here to check corrigendum, if any](#)