



2024:DHC:7470-DB



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

Date of Decision: 26.09.2024

+ W.P.(C) 7871/2024 & CM APPL. 32590/2024- interim relief

RAHUL KUMAR

.....Petitioner

Through: Mr. Ajay Garg, Ms. Tripti Gola, Mr.
Uday Garg, Mr. Ganesh Ojha & Ms.
Surbhi Soni, Advs.

versus

SASHASTRA SEEMA BAL AND ANRRespondents

Through: Mr. Manish Kumar, SPC with Mr.
Vinod Tiwari (GP) for UOI.
Insp./ED Janak Raj, SSB.

CORAM:

HON'BLE MS. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

NAVIN CHAWLA, J (ORAL)

1. This petition has been filed under Article 226 of the Constitution of India challenging the Detailed Medical Examination (DME) report dated 04.04.2024 and Review Medical Examination (RME) report dated 06.04.2024, whereby the petitioner has been declared medically unfit for recruitment to the post of Head Constable (Mechanic) in Sashastra Seema Bal (SSB).

2. In 2023, the petitioner had applied for the post of HC(Mechanic) in SSB. As per the recruitment process, he had to undergo the following steps



for selection process:

- i. *Physical Efficiency Test (PET) & Physical Standard Test (PST);*
- ii. *Written Examination/Common Entrance Test/Computer Based Test (CBT);*
- iii. *Documentation, Detailed Medical Examination (DME) and Review Medical Examination (RME);*
- iv. *Final Result on the basis of merit in the written examination (Common Entrance Test).*

3. After successful clearing of PET & PST as also the CBT, the Documentation and DME of the petitioner was conducted. In the DME, he was declared unfit due to the reason that “*Tattoo on ventral aspect of Right mid forearm.*” The petitioner applied for a Review Medical Examination, which was conducted on 06.04.2024, and wherein he was again declared medically unfit for appointment to the post of HC (Mechanic) with the remarks as under:

“2) Brief of Review Medical Examination & Finding thereof

C/B by board and the candidate was examined and recently laser therapy done only “1” day back for tattoo removal as per his version. Wound is unhealed and margins are ill-defined with signs of inflammation present. Tattoo on ventral aspect of Rt. mid forearm.

3) Final Opinion

a) *FIT:-*

b) *UNFIT on account of:- So declared unfit on account of unhealed wound post laser tattoo removal with on Rt. mid-forearm (ventral part) being saluting hand.*

Unfit.”



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4. Learned counsel for the petitioner, by placing reliance on the decisions of this Court in ***Davinder Kaur vs. Union of India & Others***: 2023 SCC OnLine Del 2900; ***Shubham Sharma vs. Union of India & Others***: 2022 SCC OnLine Del 3726; ***Vineet Kumar Meena vs. Union of India and Others***: 2022 SCC OnLine Del 3939; ***Nihal Singh vs. Union of India & Another***: 2023 SCC OnLine Del 3264; and ***Sachin Kumar vs. Union of India and Others***: 2024 SCC OnLine Del 853, submits that when the petitioner has been declared medically unfit due to unhealed wound caused by the removal of a tattoo done a day prior to the convening of Review Medical Board, liberty would be granted to the petitioner to appear before a freshly constituted Medical Board.

5. Learned counsel for the respondents submits that in view of the aforesaid Judgements referred by the learned counsel for the petitioner, the petitioner can be examined by a freshly constituted Medical Board, however, he submits that he will have to seek instructions on the status of recruitment process with respect to batch of the petitioner.

6. We have considered the submissions of learned counsel for the parties.

7. In view of the decisions of this Court referred hereinabove, we direct the respondents to constitute a fresh Medical Board for re-examination of the petitioner, and in case the petitioner is found eligible, then to proceed with the recruitment process of the petitioner in accordance with law. The Medical Board be constituted within a period of two weeks from today.



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8. In view of above directions, the petition stands disposed of.
9. Order be given *dasti*.

(NAVIN CHAWLA)
JUDGE

(SHALINDER KAUR)
JUDGE

SEPTEMBER 26, 2024/ab