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

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+ W.P.(C) 11251/2024 and CM APPL. 46569/2024, CM APPL. 46570/2024, CM APPL. 46571/2024

STAFF SELECTION COMMISSION & ORS.Petitioners

Through: Mr. Shashank Dixit. CGSC with
Ms. Suchita Dixit, Advocate for UOI.

versus

ANUJ KUMARRespondent

Through: Ms. Esha Mazumdar, Advocate *via*
video-conferencing with Mr. Setu
Niket, Ms. Unni Maya S., Mr, Ishan
Singh and Ms. Chetna, Advocates.

73

+ W.P.(C) 11268/2024 and CM APPL. 46628/2024, CM APPL. 46629/2024, CM APPL. 46630/2024

STAFF SELECTION COMMISSION & ORS.Petitioners

Through: Mr. Shashank Dixit. CGSC with
Ms. Suchita Dixit, Advocate for UOI.

versus

SONIKARespondent

Through: Ms. Esha Mazumdar, Advocate *via*
video-conferencing with Mr. Setu
Niket, Ms. Unni Maya S., Mr, Ishan
Singh and Ms. Chetna, Advocates.

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+ W.P.(C) 11297/2024 and CM APPL. 46777/2024, CM APPL. 46778/2024, CM APPL. 46779/2024

STAFF SELECTION COMMISSION & ORS.Petitioners

Through: Mr. Shashank Dixit. CGSC with
Ms. Suchita Dixit, Advocate for UOI.

versus

MANJEETRespondent

Through: Ms. Esha Mazumdar, Advocate *via*
video-conferencing with Mr. Setu
Niket, Ms. Unni Maya S., Mr, Ishan
Singh and Ms. Chetna, Advocates.



CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
14.08.2024

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1. The present petitions have been filed on behalf of the petitioners under Articles 226 and 227 of the Constitution of India, seeking setting aside of order dated 14.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi in O.A.777/2024 titled as “*Anuj Kumar & Staff Selection Commissions & Ors.*”.
2. Notice issued.
3. Learned counsel accepts notice on behalf of the respondents.
4. These petitions arise out of impugned order dated 14.05.2024 passed by the learned Tribunal in O.A. Nos. 1009/2024, 1092/2024, 596/2024, 777/2024, 1020/2024, 1132/2024, 1241/2024 & 1538/2024, whereby petitioners have been directed to let the respondents undergo re-medical examination by constituting new medical Board.
5. The petitioners have challenged the impugned order on the ground that the impugned order is contrary to the mandatory terms and conditions as prescribed in the Advertisement for recruitment for the post of Constable (Executive) Male and Female in Delhi Police Examination-2023 dated 01.09.2023 issued by the Department of Personnel and Training, Government of India.
6. It is averred that the learned Tribunal has erred in not appreciating that the respondents have already undergone Detailed Medical Examination and Review Medical Examination and on both occasions, they were found unfit for the post.



7. Learned counsel appearing on behalf of the petitioners submits that the respondent – Anuj Kumar was declared unfit on account of ‘Chronic skin infection with multiple boils over scrotum’. Therefore, ‘Offer of Appointment’ was not issued to him.
8. In respect of respondent – Sonika learned counsel submits that she was found unfit on account of ‘Nodule Likely TB’. Therefore, ‘Offer of Appointment’ was not issued to her.
9. With regard to respondent – Manjeet it was submitted that she was found unfit on account of ‘Gr. III Interno External Hemorrhoids’. Therefore, ‘Offer of Appointment’ was not issued to the respondent.
10. Being aggrieved by the result of their detailed medical examination, the respondents got them checked from the other hospital where they were found to be fit for the post of Constable.
11. In view of aforesaid facts as well as in the interest of justice, we hereby dispose of the present writ petition by directing the petitioners to facilitate the constitution of a fresh Medical Board at the Army Hospital (R&R), New Delhi for conducting fresh examination of the respondents within two weeks from today. If the respondents are found fit by the aforesaid Medical Board, they may be permitted to join in the further selection process. However, if the respondents are found unfit by the aforesaid Medical Board, he will not be granted any further opportunity to get examined again.
12. It is made clear that the decision of the aforesaid Medical Board shall be final and binding as agreed by the parties.
13. The respondents are directed to appear before R&R Hospital on 21.08.2024 at 9:30 a.m. The respondents are also directed to submit medical



certificates before the Board, whereby they were declared medically fit for the post in question.

14. Accordingly, the petition is disposed of.
15. Pending applications, if any, also stand disposed of.
16. Copy of this order be transmitted to Incharge, R&R Hospital, New Delhi for information and necessary compliance.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

AUGUST 14, 2024/uk