



2024:DHC:7001-DB



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

% **Decision delivered on: 11.09.2024**

+ **W.P.(C) 12770/2024, CM APPL. 53192/2024 & 53193/2024**

STAFF SELECTION COMMISSION & ORS.Petitioners

Through: Mr. R. Venkat Prabhat, Senior
Panel Counsel

versus

RAHULRespondents

Through: Mr. Setu Niket, Ms. Esha
Mazumdar and Ms. Chetna,
Advocates

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

J U D G M E N T (O R A L)

CM APPL. 53193/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 12770/2024

3. By way of the present writ petition filed under Article 226 of the

W.P.(C) 12770/2024

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Constitution of India, the petitioners have sought the following reliefs:

"1. Issue a writ of certiorari or any other writ against the order dated 11.03.2024 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in Original Application no. 1014 of 2024 to set aside and quash the same.

2. Pass any other order this Hon'ble Court may deem just and proper in the facts and circumstances of the case"

4. The respondent had participated in the recruitment process initiated by the Staff Selection Commission ("SSC"), for the post of Constable (Executive) Male and Female in Delhi Police Examination, 2023. After having been successfully cleared the said examination, name of the respondent appeared in the list of provisionally selected candidates. Thereafter, he was called for medical examination which was conducted by the Medical Board, and reviewed by a subsequent Medical Board, wherein the respondent had been declared unfit for the medical condition on the ground of "Undescended Testis".

5. Thereafter, the respondent had got himself examined from the Government Hospital, Civil Hospital, Rohtak on 23.02.2024, whereby the doctors at the said hospital cleared him of the medical condition.

6. In view of the controversy, the learned Tribunal had passed the order dated 11.03.2024 and the same is reproduced as under:

"9. The present OA is accordingly disposed of with a direction to the competent authority amongst the respondents to conduct a fresh medical examination of the applicant by way of constituting an appropriate medical board in any government medical hospital except the Hospital which has already conducted the initial and the review medical examination.



10. Needless to say that the competent authority shall thereafter pass appropriate orders with respect to the candidature of the applicant on the basis of the outcome of such an independent/ fresh medical examination.

11. The directions contained herein shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order. In the event of the applicant being declared medically fit and subject to his meeting other criteria, she shall be given appointment forthwith. The applicant, in such an eventuality, shall also be entitled to grant of all consequential benefits, however, strictly on notional basis.”

7. Learned counsel appearing on behalf of the petitioners submits that in case the respondent is again examined by the same set of doctors, the petitioners may be prejudice by their decision.

8. In view of the above, as mentioned by learned counsel for the petitioners to rule out any prejudice, the respondent may be examined from the R.R. Hospital, Delhi. Accordingly, we hereby modify the order dated 11.03.2024 passed by learned Tribunal and direct the petitioners to facilitate the respondent to get examined from the R.R. Hospital and the said Hospital is directed to constitute a Medical Board and examine the respondent on 17.09.2024 or on subsequent date as per their convenience.

9. The respondent shall appear before the Medical Board constituted by the R.R. Hospital on the said date i.e., 17.09.2024. It is agreed by learned counsel for the parties that the examination report of the respondent to be prepared by the R.R. Hospital shall be final and binding.



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10. Accordingly, the present petition is disposed of along with the pending application.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

SEPTEMBER 11, 2024/riya