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

% **Decision delivered on:18.09.2024**

+ **W.P.(C) 12935/2024, CM APPL. 53991/2024 & 53992/2024**

STAFF SELECTION COMMISSION & ORS.Petitioners

Through: Mr. B. Ramaswamy, CGSC,
Advocate.

versus

BHEEMSENRespondent

Through: Ms. Esha Mazumdar 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

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

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioners have sought the following relief:

“a) quash and set aside the per-se perverse order dated 14.05.2024 in OA No. 1327/2024 passed by Central Administrative Tribunal Principal Bench, New Delhi.”

2. The learned Central Administrative Tribunal (hereinafter referred to as “learned Tribunal”) has disposed of the OA No. 2196/2024 vide the impugned order dated 27.05.2024 directing the petitioners herein to get the respondent’s re-medical examination done by a duly constituted



Medical Board which would include a specialist in the respective fields and in case of women, a female specialist shall be part of the panel, who shall opine in light of Clause 13.2 so as to arrive at a just conclusion whether the respondent is physically fit for appointment to the post of Constable in Delhi Police.

3. Learned Tribunal has further directed that in order to arrive at a conclusive determination of medical fitness, the respondent should disclose and provide complete history of the past or existing ailments before the Review Medical Board. The candidate must also provide full particulars of ailments as to when it was diagnosed, nature of treatment undertaken by him, whether still undergoing treatment, is it temporary in nature or not, medication being undertaken and under whose medical supervision. Such disclosures shall be made by way of an affidavit along with all medical records.

4. Further, the learned Tribunal has disposed of the aforesaid OA in terms of directions as contained paragraph 25 of the ***Teekaram Singh Meena vs. SCC and Ors.***

5. It is pertinent to mention here that various matters having similar issues have come up before this Court earlier also, where as per the detailed report of the Medical Board and Review Medical Board, the candidates were declared unfit for the service and similarly, in the present case also, a detailed report of the Medical Board and Review Medical Board had declared the respondent unfit on account of Grade-IV Varicocele Left.

6. However, case of the respondent is that the concerned doctor of Mahatma Gandhi Memorial Government District Hospital Hanumangarh



Town, Hanuman Garh, has declared him fit after undergoing a detailed medical examination.

7. Accordingly, in order to come out from the controversy whether the respondent is fit for the service in question or not, we hereby direct the petitioners to facilitate the respondent so that he can be medically examined from R.R. Hospital Delhi. The Incharge of the R.R. Hospital is directed to constitute a Medical Board having specialized doctor of the disease mentioned above.

8. The respondent shall appear before the Medical Board on 07.10.2024 and he shall disclose his medical conditions both past and present to the said board.

9. It is made clear that the report of the Medical Board shall be final and binding upon the parties as agreed by the counsel for the respondent.

10. It is further made clear that if the Medical Board of R.R. Hospital declares the respondent medically fit, the petitioners shall take further steps to send the respondent for training purposes.

11. With the aforesaid directions, the present petition as well as pending applications stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

SEPTEMBER 18, 2024/ry