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

% **Decision delivered on: 17.09.2024**

+ W.P.(C) 12971/2024 & CM APPL.54066-67/2024

GOVT OF NCT DELHI & ANR.Petitioners

Through: Mr. Premtosh K. Mishra, CGSC
with Mr. Manish Vashist,
Advocate

versus

CHAINSUKH UJJWALRespondent

Through: Mr. Rajesh Chauhan, Advocate

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 r/w 227 of the Constitution of India, the petitioners have sought quashing and setting aside of the order dated 14.05.2024 in OA No.1377/2024 passed by learned Central Administrative Tribunal (the 'Tribunal'), Principal Bench, New Delhi.

2. 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 in the said examination,



name of the respondent appeared in the list of provisionally selected candidates. Thereafter, he was called for detailed medical examination at BSF Hospital, Chhawla Camp, New Delhi on 22.01.2024 wherein he was declared unfit for the medical condition on the ground of "*External Haemorrhoids*". Subsequently, his review medical examination was done at Dr. Baba Saheb Ambedkar Hospital and vide report dated 27.01.2024, the general surgeon of said hospital, declared him unfit for the medical condition on the ground of "*External Haemorrhoids*". After considering the report of surgeon and detailed medical examination, the respondent was declared unfit on account of "*Perianal Swelling Requiring Excision*".

3. Thereafter, the respondent had got himself examined on 15.03.2024 from Rajkiya Community Health Centre, Boraz (Jaipur-II), Integrated Health Management System-IHMS, whereby the doctors at the said hospital cleared him fit of the medical condition.

4. In view of the controversy, vide order dated 14.05.2024, the learned Tribunal disposed of OA No.1377/2024 preferred by the respondent herein by observing that the facts in the said OA and the ones in the OA No.519/2024 are similar, in all fours. Accordingly, the OA No.1377/2024 was disposed of on the same analogy. Petitioners were directed to comply with the directions passed in OA No.519/2024 - ***Teekaram Singh Meena vs. SSC and Ors.*** within 12 weeks from the date of receipt of a certified copy of the said order.



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

6. In view of the above, as mentioned by learned counsel for the respondent and to rule out any prejudice, the respondent may be examined from the R.R. Hospital, Delhi. Accordingly, we hereby modify the order dated 14.05.2024 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 23.09.2024 or on subsequent date as per their convenience.

7. The respondent shall appear before the Medical Board to be constituted by the R.R. Hospital on the said date i.e., 23.09.2024. 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.

8. Accordingly, the present petition is disposed of along with the pending applications.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

SEPTEMBER 17, 2024/rk