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

% ***Date of Decision: 19th September, 2024***

+ **W.P.(C) 13100/2024 & CM APPL.54755-57/2024**

STAFF SELECTION COMMISSION AND ORSPetitioners

Through: **Mr. Piyush Gupta and Mr. Prateek
Gupta, Advocates**

Versus

TEEKAM SINGH MEENA

.....Respondent

Through: **Ms. Esha Mazumdar, Mr. Setu Niket,
Mr. Ishan Singh, Ms. Unnnia Maya &
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. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioners seeking quashing and setting aside of order dated 10.05.2024 passed by the Central Administrative Tribunal (the 'Tribunal'), Principal Bench, New Delhi in O.A. No.519/2024, whereby the learned Tribunal has directed to undertake re-medical examination of respondent within a period of 12 weeks from the date of receipt of the said order. Learned Tribunal has further directed the petitioners to convey the final decision to the respondent and if he is found fit, to take further action in accordance with law.

2. Notice issued. Ms. Esha Mazumdar, Advocate accepts notice on behalf of respondent.

3. With the consent of learned counsel for parties, the present petition is



taken up for final hearing and disposal.

4. The brief background of the case is that pursuant to notification dated 01.09.2023 for direct recruitment to the post of Constable (Exe) Male and Female in Delhi Police, 2023, the respondent applied for the post of Constable (Exe.) Male. He appeared in the examination process conducted by petitioner-Staff Selection Commission ('SSC'). The result of Computer Based Examination was declared on 31.12.2023 and thereafter, Physical Endurance and Measurement Test (PE & MT) were conducted by the Delhi Police from 13.01.2024 to 20.01.2024. The medical examination of candidates, who qualified in the PE & MT, was conducted at CAPFs Hospitals as per medical norms.

5. On 20.01.2024, the respondent was called for Detailed Medical Examination (DME) at Composite Hospital, CRPF, Jharoda Kalan, Delhi wherein he was declared unfit on account of '*Umbilical Hernia*'. On 24.01.2024, respondent was called for Review Medical Examination (RME) at the same hospital and he was declared unfit on the same ground by the review medical board.

6. Thereafter, on 25.01.2024, the respondent got himself examined from Safdarjung Hospital, Delhi, whereby the doctors at the said hospital opined that the defect is less than 5 mm, which does not require any surgical treatment.

7. Today, learned counsel appearing on behalf respondent has produced respondent's ultrasound report of abdomen from Manglam Sonography Centre, Jaipur, Rajasthan and on perusal of the same, the said report seems to be contrary to the report submitted by Medical Board and Review



Medical Board.

8. In view of the controversy, vide order dated 10.05.2024, the learned Tribunal disposed of OA No.599/2024 preferred by the respondent herein by directing the petitioners that the re-medical examination of respondent be undertaken within a period of 12 weeks from the date of receipt of the order. Learned Tribunal further directed petitioners to convey the decision to the respondent and if he is found to be fit, further action be taken in accordance with law.

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

10. In view of the above, as prayed by learned counsel for the respondent, to rule out any prejudice, the respondent be examined from R.R. Hospital, Delhi.

11. This Court accepts her request, therefore, we hereby modify the order dated 10.05.2024 passed by learned Tribunal and direct the petitioners to facilitate the respondent to get himself examined from R.R. Hospital.

12. The competent authority of R.R. Hospital is directed to constitute a Medical Board to examine the respondent on 09.10.2024 or on any subsequent date, as per their convenience but without delay.

13. The respondent shall appear before the Medical Board to be constituted by R.R. Hospital on 09.10.2024. If the respondent is found fit by such Medical Board, the petitioners shall allow him to join the selection process.



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14. It is agreed by learned counsel for the parties that the examination report prepared by the R.R. Hospital in respect of respondent shall be final and binding.

15. With aforesaid, the present petition is accordingly disposed of. Pending applications are disposed of as infructuous.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

SEPTEMBER 19, 2024

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