



2024:DHC:9079-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 25.11.2024

+ W.P.(C) 14167/2024 & CM APPL. 59285/2024

STAFF SELECTION COMMISSION & ORS.Petitioners
Through: Ms.Saumya Tandon, CGSC,
Mr.Prakhar Tripathi, Adv.

versus

MANJURespondent
Through: Mr.Setu Niket, Adv. (VC)

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed challenging the Order dated 14.05.2024, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (in short, 'Tribunal'), in Original Application (in short, 'OA') No.1009/2024, titled ***Manju v. Staff Selection Commission & Ors.***, disposing of the said petition by directing the petitioners herein to have a re-medical examination of the respondent conducted by a duly constituted Medical Board, which would include specialists in the respective field(s).

2. The respondent had applied for the post of Constable (Executive), Male and Female, in the Delhi Police. She was declared medically unfit for appointment by the Detailed Medical Board, on account of 'Scoliosis & Urine EP Cell-10-/2/HPF'.



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3. Aggrieved thereof, the respondent applied for the Review Medical Board, which was conducted on 27.01.2024, which, though it found the respondent not to be suffering from medical disqualification as attributed by the Detailed Medical Board, still declared her unfit for appointment due to the 'right adnexal/ovarian complex cystic lesion'.
4. Aggrieved thereof, the respondent had filed the abovementioned OA before the learned Tribunal, which has been disposed of by the learned Tribunal by directing the re-examination of the respondent to be conducted by the petitioners.
5. The learned counsel for the petitioners submits that, since there is no allegation of *mala fide* against the Review Medical Examination Board, there is a finality attached to the opinion of the Review Medical Examination Board, and the same should not have been interfered with by the learned Tribunal.
6. On the other hand, the learned counsel for the respondent submits that in the present case, the disqualification attributed to the respondent by the Detailed Medical Examination Board was not accepted in the Review Medical Examination. The Review Medical Examination Board, however, attributed a new disqualification to the respondent, and due to this discrepancy, the learned Tribunal has rightly referred the case of the respondent for a fresh medical examination by a new Board to be constituted by the petitioners.
7. We have considered the submissions made by the learned counsels for the parties.
8. As is evident from the above, in the present case, there is a discrepancy in the reports of the Detailed Medical Examination and



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the Review Medical Examination. A new disqualification was attributed to the respondent in the Review Medical Examination. It is not evident from the report of the Review Medical Examination if the disqualification would in any manner hamper the respondent from discharging her duties in case she was appointed to the post. Admittedly, the disqualification that is mentioned in the Review Medical Examination Report, not mentioned in the Medical Guideline as a disqualification.

9. In view of the above peculiar facts, we do not find any infirmity in the directions of the learned Tribunal.
10. The petition is dismissed. The application is also disposed of.
11. There shall be no order as to costs.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 25, 2024/Arya/DG

Click here to check corrigendum, if any