



2024:DHC:9223-DB



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

Date of decision: 25.11.2024

+ W.P.(C) 14634/2024, CM APPL. 61436/2024

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Siddhartha Shankar Ray,
CGSC with Mr. Shubham
Sharma, Adv.

versus

KHUSHBHU KUMARI

.....Respondent

Through: Adv. (appearance not given)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner challenging the Order dated 10.05.2024, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (in short, 'Tribunal') in Original Application (in short, 'OA') No. 969/2024, insofar as it pertains to Ms. Khushbu Kumari.

2. The learned Tribunal in its Impugned Order has directed the petitioner herein to constitute a Review Medical Board (RMB) for examining the respondent herein.

3. The learned counsel for the petitioners submits that the



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respondent was declared unfit for appointment to the post of Constable (Exe) by the Detailed Medical Examination Report, which held as under:

19. i) Fit Medical certificate in duplicate enclosed.....

ii) Unfit on account of

iii) Temp. Unfit on account of ① Tattoo on (Rt) Hand
② Scar mark on (L) side chest 4x4 cm

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DR. VASUNDHARA YADAV
DC/SMD, 83 BN BSF
Signature.....
Dr. Vasundhara Yadav 11836841
22/1/24
Designation of the medical officer
Office seal

4. The respondent being aggrieved of the same, applied for an RMB, which has also declared her unfit for appointment after referring her to a specialist, who opined that there are chances of Keloid recurrence and being malign.

5. The respondent challenged the above findings before the learned Tribunal.

6. The learned Tribunal, considering the disqualification being solely on the grounds of a tattoo, allowed the OA by directing a re-medical examination. The learned Tribunal did not consider the disqualification of the respondent also being on account of the Keloid and the report of the expert on the same.

7. The learned counsel for the respondent is not in a position to dispute the above. We have also gone through the Impugned Order



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and find that there is no discussion in the same on the other ground of disqualification of the respondent, that is Keloid, and the medical opinion obtained by the RMB from an expert.

8. Accordingly, we allow the present petition and remand the matter to the learned Central Administrative Tribunal to consider the same afresh, keeping in view the disqualification of the respondent on the basis of Keloid.

9. We make it clear that presently we have not expressed any opinion on the merits of the findings of the learned Tribunal *qua* the disqualification of the petitioner for having a tattoo. In case the decision of the learned Tribunal is adverse to the petitioner, it shall be open to the petitioner to challenge the same even on the said ground.

10. The parties shall appear before the learned Central Administrative Tribunal on 19th December, 2024.

11. The petition is allowed in the aforesaid terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 25, 2024/sds/B/DG

Click here to check corrigendum, if any