



2024:DHC:9263-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 27.11.2024***

+ W.P.(C) 16417/2024

STAFF SELECTION COMMISSION & ORS.

.....Petitioners

Through: Ms.Theepa Murugesan, SPC
along with Ms.Sanya Bhatia,
Adv.

versus

KM. POOJA

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)****CM APPL. 69326/2024 (Exemption)**

1. Allowed, subject to all just exceptions.

W.P.(C) 16417/2024 & CM APPL. 69325/2024

2. The present petition has been filed challenging the orders dated 22.03.2024 and 08.04.2024, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, in OA No. 745/2024, titled ***KM. Pooja v. Staff Selection Commission (SCC) & Ors.***, whereby the learned Tribunal has allowed the petition filed by the respondent herein and directed the petitioner herein to conduct a fresh medical examination of the respondent by way of constituting an appropriate medical board, including a specialist in the required field, for assessing the fitness of the respondent for appointment to the post



of Constable (Executive).

3. The Detailed Medical Examination Board disqualified the respondent from appointment by declaring her to be temporarily unfit on account of low haemoglobin; recorded 9.3g/dl. Aggrieved thereof, the respondent filed an application seeking review of the same. However, the Review Medical Board declared her permanently unfit for appointment, *vide* a report dated 28.01.2024, on account of her being anaemic. The Review Medical Board opined as under:-

“Repeat Hb-9.4 (permitted value > 10), underlying disease unidentified, may be present that may require frequent hospital visit which can interfere with the nature of the duties.”

4. The respondent then got herself examined at various hospitals and, armed with those reports, approached the learned Central Administrative Tribunal praying for a direction to the petitioner to re-examine the respondent.

5. The learned Tribunal, as observed hereinabove, has directed a re-medical examination of the respondent.

6. The learned counsel for the petitioner submits that the Review Medical Board has categorically opined that due to the medical condition of the respondent, she may have to repeatedly visit hospitals, which would interfere with the discharge of her duties. She submits that even in the medical examination report got conducted by the respondent from the Hindu Rao Hospital, Delhi, on 31.01.2024, her haemoglobin was found to be 9.4g/hl, which is below the



permissible limit. She submits that, therefore, no fault could have been found with the opinion of the Review Medical Board, which declared the respondent as unfit for appointment.

7. We have considered the submissions made by the learned counsel for the petitioner.

8. In the present case, the Detailed Medical Examination Board had declared the respondent as 'temporarily unfit' on account of her low haemoglobin. The opinion of the Review Medical Board, at best, was a conjecture that with low haemoglobin, the respondent may have to visit hospitals repeatedly which may affect the discharge of her duties. We have not been shown if any expert was consulted before forming the said opinion.

9. In the peculiar facts of the present case and following the Judgment of this Court in *Staff Selection Commission and Anr. v. Sanjoo Patel*, NC:2024:DHC:8857-DB, no fault can be found in the direction issued by the learned Tribunal, whereby it has directed the petitioner to have the respondent medically re-examined by a Board, which would also include a specialist.

10. We, therefore, find no merit in the present petition. The petition, along with the pending application, is dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 27, 2024/rv/DG

[Click here to check corrigendum, if any](#)