



2024:DHC:10143-DB



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

+ **W.P.(C) 17797/2024, CM APPLs. 75782/2024 & 75783/2024**

STAFF SELECTION COMMISSION

& ORS.

.....Petitioners

Through: Ms. Nidhi Mohan Parashar,
SPC with Mr. Amar Bajpaye, Adv.

versus

PRATEEK KUNTAL

.....Respondent

Through: Ms. Esha Mazumdar, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER (ORAL)

23.12.2024

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C.HARI SHANKAR, J.

CM APPL. 75783/2024 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 17797/2024, CM APPL. 75782/2024

3. The order under challenge in this petition reads as under:

“Learned counsel for the parties submit that the issue raised in this

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OA stands concluded by the decision of this Tribunal in OA No. 597/2024 titled as **Deepak Yadav v Staff Selection Commission & Ors.** decided on 22.04.2024.

2. For parity of reasons, we allow the present OA in terms of the directions given in the aforesaid OA. However, for the sake of the convenience, the directions given by the Tribunal in **Deepak Yadav** (supra) case are reproduced below:-

“In view of the above, we dispose of the present OA(s) by directing the respondents to get the applicant(s) re-medical examination done by a duly constituted Medical Board which would include dermatologist who shall opinion in light of Clause 13.2 as to arrive at a just conclusion whether the applicant(s) are functionally fit for appointment to post of Constable in Delhi Police. It is directed that the remedical examination shall be undertaken within a period of 12 weeks from the date of receipt of certified copy of this order. Further, the respondents are directed to convey the decision to the respective applicant(s). In the event, the applicant(s) are found to be fit, further action shall be taken in accordance with law. No order as to costs.”

3. In view of the above, this OA is also disposed of in the light of aforesaid directions. No order as to costs.”

4. At the very outset, we do not see why such an order was even challenged before this Court. All that the learned Central Administrative Tribunal has done is to direct the respondent to be examined by a dermatologist, who would assess the respondent's functional fitness for appointment to the post of Constable in the Delhi Police in the light of Clause 13.2 of the advertisement for recruitment to the post of Constable (Executive) male and female in the Delhi Police Examination 2023. Clause 13.2 does not allow an aspirant to the post of Constable to possess any tattoo on her, or his, right forearm.

5. There is no justification whatsoever for the petitioner

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challenging such an innocuous order. There can be no reservation whatsoever with the candidate concerned being examined by a Dermatologist, who would assess whether the candidate does or does not possess a tattoo on the right forearm.

6. Ms. Esha Mazumdar, learned Counsel for the respondent, has drawn our attention to the judgment dated 24 July 2024 passed by a Coordinate Bench of this Court in *Staff Selection Commission v Deepak Yadav*¹. In that case, this Court actually physically examined the candidate concerned and arrived at a conclusion that there was no visible tattoo on the right forearm of the candidate, as seen through the naked eye.

7. Instead of following that practice, we deem it appropriate to direct the Dermatologist, who would examine the respondent in terms of the impugned order of the learned Tribunal, to also keep in mind the observations contained in the judgment of this Court in *Deepak Yadav*.

8. With the aforesaid observation, this petition is disposed of.

C. HARI SHANKAR, J.

ANOOP KUMAR MENDIRATTA, J.

DECEMBER 23, 2024

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