



2025:DHC:11854-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 22.12.2025***

+ W.P.(C) 388/2025, CM APPL. 1872/2025

GOVT OF NCT DELHI & ORS.

.....Petitioners

Through: Mr.Raj Kumar, CGSC with
Ms.Vandana Sachdeva,
Mr.Ankit Choudhary and
Mr.Sumit Choudhary, Ms.
Vidushi Shah Advs.

versus

SUBHASH YADAV

.....Respondent

Through: Ms. Esha Mazumdar with
Ms.Muskan Sharma, Advs.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 10.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1708/2024, titled ***Mr. Subhash Yadav v. Govt. of NCT of Delhi & Ors.***, disposing of the said O.A. filed by the respondent herein with the following directions:

"4. In the conspectus of things, we find that the facts in the present case and the ones in the aforesaid OA are similar, in all fours. Accordingly, the instant OA is also disposed of on the same analogy. Respondents are hereby directed to comply with the aforesaid directions (OA No.519/2024 - Teekaram

Signature Not Verified

Signed By: RENUKA W.P.(C) 388/2025

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Signing Date: 24.12.2025
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Singh Meena vs. SSC and Ors.) within twelve weeks from the date of receipt of a certified copy of this order.”

2. In ***Teekaram Singh Meena*** (supra), which has been relied upon by the learned Tribunal, the learned Tribunal has directed for a re-examination of the candidate by a Medical Board which should consist of a specialist in the respective field but should not consist of any doctor who has already examined the candidate.
3. In the present case, there is a consistent opinion in the Detailed Medical Examination (DME) and the Review Medical Examination (RME), that the respondent was suffering from ‘Umbilical Hernia’. The same is also evident from the original medical records that have been produced before us.
4. We, however, find that the respondent had been referred by the Review Medical Examination Board for an opinion from the surgeon, and the surgeon in his report dated 25.01.2024 had advised further medical examination and a review. However, without referring the respondent for the same, the Review Medical Examination Board rejected his candidature, declaring him unfit on the ground of umbilical hernia.
5. In ***Staff Selection Commission & Ors. v. Aman Singh***, 2024:DHC:8441-DB, a Coordinate bench of this Court, while reiterating the principles that would be applicable to a judicial review against the medical decisions, also held that where a candidate is referred to a specialist, his opinion would be binding and should be implemented. In the present case, once the specialist had asked for the



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respondent to be referred for further examination and then to be placed for a review based on the same, the RME had clearly acted in haste and erred in declaring the respondent unfit for appointment. The proper course for the RME was to refer the respondent for proper examination and for review by the surgeon, which has not been done.

6. Accordingly, we find no reason to interfere with the directions issued by the learned Tribunal.

7. The petition, along with the application is accordingly dismissed.

8. The petitioners shall comply with the order of the learned Tribunal within a period of six weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 22, 2025/prg/k/pb