



2025:DHC:187-DB



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

Date of decision: 15.01.2025

+ W.P.(C) 509/2025

AMIT KUMAR YADAV

.....Petitioner

Through: Mr.Prahil Sharma, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr.Premtosh K. Mishra, CGSC,
Mr.Kamaldeep, GP, Mr.Manish
Vashist, Ms.Sanya Kalsi, Advs.
with AC Raj Kumar, SI
P.Devenda, SI Amit Kumar, SI
Rahul Sinha-CISF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 2373/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 509/2025 & CM APPL. 2372/2025

2. This petition has been filed by the petitioner, challenging the Detailed Medical Examination Board Report dated 03.12.2024 (in short, 'DME'), and the Review Medical Examination Board Report dated 07.12.2024 (in short, 'RME'), by which the petitioner has been declared '*Unfit*' for appointment to the post of Assistant Sub-Inspector (Executive) in the Limited Departmental Competitive Examination-



2022 ('LDCE-2022').

3. The DME in its report dated 03.12.2024, has declared the petitioner 'Unfit' for appointment for the following reasons:

"H/O Pilonidal sinus surgery in Aug-24"

4. The RME in its report dated 04.12.2024, in turn, declared the petitioner 'Unfit' for appointment to the above post, by observing as under:

"2) Brief of Review Medical Examination & Finding thereof. Board examined the candidate O/E. Post-surgery scar present for pilonidal surgery. Now he discharge such. As per medical documents produced by candidate surgery for pilonidal sinus done on 15/08/24 at Shakuntala Hospital Jaunpur, U.P. (Medical documents attached). As per revised guidelines for recruitment page para XII sub para 3 (b) candidates is UNFIT for H/O Pilonidal Surgery in Aug 2024. As post- op period is less than 6 months.

3) Final Opinion

a) UNFIT

b) UNFIT on account of postop period after pilonidal surgery is less than 6 months."

5. The learned counsel for the petitioner submits that the petitioner had undergone a surgical procedure on 15.08.2024 for 'pilonidal sinus'. In support, he places reliance on the Medical Reports annexed with the petition. He submits that this condition is different from 'pilonidal cysts', as listed under Clause 4(b), Chapter XII (Examination for Skin Diseases and Leprosy) of the Uniform Guidelines for Medical Examination Test (MET) for Recruitment in CAPFs, NSG& AR (in short, 'Medical Guidelines'). He submits that therefore, the condition that the candidate should not have undergone



an operative procedure less than six months ago, would not be applicable to the petitioner.

6. Issue notice.

7. Notice is accepted by Mr. Premtosh K. Mishra, the learned counsel for the respondents.

8. The learned counsel for the respondent submits that in the present case, the petitioner had undergone a surgical procedure for '*pilonidal sinus with pus discharged from low bac*' as is evident from the Medical Documents annexed by the petitioner himself. He submits that the condition of the petitioner, therefore, squarely falls under Clause 4(b) of the Medical Guidelines referred hereinabove. He submits that as the surgery has taken place less than six months before the Medical Board, therefore, the petitioner has been rightly declared '*Unfit*' for appointment.

9. We have considered the submissions of the learned counsels for the parties.

10. At the outset, we must confess that we are not medical experts and therefore, would not be in a position to clearly state whether the condition of the petitioner for which the petitioner has undergone a surgical procedure on 15.08.2024, falls within the ambit and scope of Clause 4(b) of the Medical Guidelines referred hereinabove, and reproduced hereinbelow:

***“XII. EXAMINATION FOR SKIN
DISEASES AND LEPROSY***

4. Cysts.

xxx

*(b) Pilonidal cysts, if evidenced by the
presence of a tumor mass or a discharging*



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sinus is disqualifying. Surgically resected pilonidal cyst that is symptomatic, unhealed, or less than 6 months post-operative is disqualifying.”

11. The findings of Impugned DME and RME are also not sufficient to guide us in this regard. The learned counsel for the petitioner has contended that there is a difference between ‘cyst’ and ‘sinus’ and Clause 4 (b) applies only to a case of ‘Pilonidal cyst’ and not ‘Pilonidal sinus’, while the respondents contends that as the ‘Pilonidal sinus’, in case of the petitioner, was bleeding, Clause 4 (b) of the Medical Guidelines would be attracted.

12. We therefore, have no option but remand the matter back to the RME to consider the case of the petitioner afresh, specifically keeping in view his medical documents, and the condition mentioned under Clause 4(b) of the Medical Guidelines.

13. We are of the opinion that the above issue has to be left for the consideration of medical expert. We make it clear that we have not considered the submissions of the learned counsel for the petitioner on merits, and it shall be open to the Medical Board to opine on the same. The medical examination of the petitioner must be conducted within a period of three weeks from today, and the Medical Board must consist of experts in the required fields. The petitioner shall be given an advance notice of at least three days for appearing before the Medical Board for the examination. In case the petitioner is found fit for appointment under the LDCE-2022, further process in this regard shall be undertaken by the respondents.

14. With the above directions, the present petition and the pending



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application are disposed of.

15. *Dasti.*

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 15, 2025/Arya/IK

Click here to check corrigendum, if any