



2025:DHC:224-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16.01.2025

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W.P.(C) 554/2025

RAHUL KUMAR

.....Petitioner

Through: Mr.Arjun Panwar, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Mimansak Bhardwaj, SPC
with Mr.Rishav Dubey, GP and
Ms.Vidya Mishra, Adv. for
UOI

Mr.Prahlad Devenda, SI, CISF
& Mr.G. S. Rathore, AC, CISF

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 2510/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 554/2025 & CM APPL. 2509/2025

2. This petition has been filed by the petitioner, challenging the Reports of the Detailed Medical Examination (in short, 'DME'), dated 16.12.2024, and the Review Medical Examination (in short, 'RME'), dated 19.12.2024, 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 (in short, 'LDCE-2022') on the ground of him being found to be suffering from



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Genital Vitiligo.

3. The learned counsel for the petitioner submits that the Impugned RME itself had referred the petitioner for an examination by a specialist Dermatologist at the VMCC & Safdarjung Hospital, New Delhi, who *vide* Report dated 19.12.2024, had declared the petitioner fit for duty. He submits that the petitioner is presently working as a Constable (General Duty) and in the course of his service, has been subjected to regular medical examination and found fit for duty.

4. He submits that post the rejection, the petitioner has got himself re-examined at the VMMC & Safdarjung Hospital, New Delhi, on 20.12.2024, when again, it was reported that the condition suffered by the petitioner is a benign skin condition and will not interfere with his duties. He also refers to the report of the MIOT International Hospital, Chennai, which is a hospital on the panel of the CISF, which again opined that his condition was noted only after the circumcision surgery and that he has no similar lesions elsewhere on the body and is fit for regular duties.

5. Referring to Chapter 6 Clause 19 of the Uniform Guidelines for Medical Examination Test (MET) for Recruitment in CAPFs, NSG & AR (in short, 'Medical Guidelines'), he submits that only a 'chronic skin disease' can be a ground for rejection, whereas the condition suffered by the petitioner has been there for the last ten years and has not been spreading, therefore, is not chronic but rather stable in nature.

6. Issue notice.



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7. Notice is accepted by Mr. Mimansak Bhardwaj on behalf of the respondents.
8. He submits that before declaring the petitioner as ‘*Unfit*’, the RME had referred the petitioner to a Dermatologist, who had opined that the petitioner is suffering from ‘Genital Vitiligo’, which is a chronic skin disease and, therefore, is a ground for rejection of the candidature of the petitioner. He submits that, therefore, the Impugned Reports of the DME and RME cannot be interfered with.
9. We have considered the submissions made by the learned counsels for the parties.
10. In ***Durga Singh v. Union of India & Ors.***, 2017:DHC:3658-DB, which involved a similar issue, this Court, taking note of Clause 6(19) of the Medical Guidelines, held as under:-

“9. Having considered the contentions raised we find that the order dated 29th May, 2012 does require review for it is not the case of the respondents that Linecur stable vitiligo was classified a chronic skin disease and, therefore, the petitioner was unfit. Whether or not the said medical condition could be classified and treated as a chronic disease and, therefore, the petitioner was unfit would have to be decided by the medical officer or the Review Medical Board. It will be impossible for the Court to opine and decide, whether the said medical condition would be a disqualification. Pertinently, the medical certificate relied by the petitioner dated 1st December, 2011 states that the petitioner was medically fit for the said post. It specifically records and holds that the finding that petitioner was suffering from leucoderma was an error of judgment. Moreover, the clause relating to medical review states that there



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should be a possibility of error of judgment. The word 'possibility' cannot be ignored and is of significance. The final finding on fitness or unfitness is to be given by the Review Medical Board.

10. Possibly, the petitioner at that time of hearing was not prepared to argue and make submission whether the medical condition Linecur stable vitiligo is a chronic skin disease or not, as the said aspect had not been examined by the respondents i.e. the medical officer or the Review Medical Board.

11. In view of the aforesaid, we feel that there is an apparent error in the order dated 29th May, 2012 which justifies review as there is no opinion or formation of belief that the medical condition " Linecur stable vitiligo " would fall in the category of 'chronic skin disease'. Till the said finding or opinion is given by the medical officer or the Review Medical Board of the respondents, the question of fitness cannot be decided. The petitioner's medical fitness was required to be considered by the Review Medical Board.

12. Accordingly, we allow the present review application and direct the respondents to constitute a Review Medical Board. In view of the lapse of time, it will be open to the respondents to completely re-examine the medical fitness of the petitioner, if it is permitted and mandated as per law. Learned counsel for the review petitioner has consented to the same. The aforesaid exercise would be completed within three months from the date copy of this order is received."

11. In the present case as well, though the petitioner does not dispute that he is suffering from 'Genital Vitiligo', he submits that the same would not, in any manner, affect the discharge of his duties and that his condition is stable. These issues, including whether 'Genital



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Vitiligo' can be said to be a 'Chronic Skin disease', are to be determined by medical experts.

12. Following the Judgment of this Court in ***Durga Singh*** (supra), we, therefore, direct the respondents to constitute a fresh Medical Board to re-examine the petitioner, within a period of three weeks from today. The Medical Board must include a Dermatologist. The Medical Board, however, should not be constituted of the doctors who were already part of the Impugned DME or RME.

13. In case the petitioner is found '*Fit*' for appointment, the further process for his appointment to the post of Assistant Sub-Inspector (Executive) be carried out by the respondents. However, in case the petitioner is found '*Unfit*' for appointment, his candidature would be deemed to have been rejected.

14. The present petition is disposed of in the above terms.

15. *Dasti.*

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 16, 2025/sg/IK

Click here to check corrigendum, if any