



2025:DHC:1085-DB



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

+ **W.P.(C) 905/2025 & CM APPL. 4447/2025**

SSC AND OTHERS

.....Petitioners

Through: Ms. Rukhmini Bobde, CGSC
with Mr. Sachin Dhanisa, Mr. Amlaan
Kumar and Mr. Vinayak A, Advs.

versus

ABHISHEK

.....Respondent

Through: Ms. Esha Mazumdar with Mr.
Setu Niket, Ms. Chetna and Ms. Unni Maya
S, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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19.02.2025

C. HARI SHANKAR, J.

1. The respondent participated in the selection for recruitment as Constable (Exe) in the Delhi Police. Consequent to having cleared the selection process, he was subjected to a Detailed Medical Examination¹.

2. The DME report dated 25 January 2024 certified the respondent as unfit owing to undescended testis.



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3. The respondent was, as per procedure, examined by a Review Medical Board on 27 January 2024.
4. The Review Medical Board referred the respondent to the LNJP Hospital to rule out the existence of undescended testis.
5. The respondent reported to the LNJP Hospital on the same day i.e., 27 January 2024. The LNJP hospital, while certifying that the respondent had left side undescended testis, opined that he would require an orchidopexy/orchidectomy for which he was required to report on 31 January 2024.
6. On 31 January 2024 itself, a Review Medical Examination² was conducted and the respondent was declared unfit for appointment as his condition of undescended testis persisted.
7. Ms. Esha Mazumdar, learned Counsel for the respondent, submits that the respondent in fact underwent surgery at LNJP hospital on 14 February 2024, and that his condition stands cured.
8. In these circumstances, we are of the opinion that the decision of the Tribunal that the respondent should be referred to have a fresh medical opinion does not call for interference for the following reasons:
 - (i) The RME was conducted a mere two days after the DME on 27 January 2024.



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(ii) On that date, the Review Medical Board referred the respondent to LNJP Hospital to rule out the presence of undescended testis.

(iii) The LNJP Hospital, in its certificate of 27 January 2024, while certifying that the respondent suffered from undescended testis, opined that the condition was curable by orchidectomy/orchidopexy and referred the respondent for the said procedure on 31 January 2024.

(iv) Without waiting for the outcome of the orchidectomy/orchidopexy, on 31 January 2024, the Review Medical Board declared the respondent unfit for appointment.

(v) The respondent claims to have undergone surgery at the LNJP Hospital on 14 February 2024 and that the condition of undescended testis stands cured.

9. In these circumstances, it is in the interests of justice that the respondent be examined once more. We make it clear, however, that the respondent would be bound by the outcome of the fresh medical examination and would get no more chances.

10. We also reserve liberty with the petitioner to consider whether the respondent in his present condition is fit for recruitment as Constable in the Delhi Police.



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11. Subject to the above clarification, the writ petition is disposed of.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 19, 2025

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Click here to check corrigendum, if any