



2025:DHC:742-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 07.02.2025

+ W.P.(C) 1534/2025
SONIA

.....Petitioner

Through: Mr.Umesh Singh & Mr.Anil
Singh, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr.Anshuman, SPC, Mr.Rahul
Kr. Sharma, GP, Mr.Piyush
Ahluwalia, Adv. for R-1.
Mr.Ravinder Agarwal,
Mr.Manish Kr. Singh, Advs. for
R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 7547/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 1534/2025 & CM APPL. 7546/2025

2. This petition has been filed by the petitioner challenging the finding of the Review Medical Board Examination dated 03.01.2025, and praying for a direction to the respondents for constitution of a Medical Board to measure the correct Body Mass Index (BMI) of the petitioner, and, if found fit, to process further the appointment of the petitioner to the post of Assistant Commandant.

3. The petitioner was declared 'unfit' for appointment by the Detailed Medical Examination Board Report (in short, 'DME') dated



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01.01.2025 on the ground of her suffering from ‘Bilateral Cervical Rib’ and being ‘Overweight (BMI - 26.2)’. The petitioner applied for a Review Medical Examination, which, in its report dated 03.01.2025, found the petitioner ‘unfit’ for appointment due to being overweight by 10.8 Kg, with her BMI measured at 25.2.

4. The petitioner claims that she got herself examined at the Guru Teg Bahadur Hospital, Dilshad Garden, Delhi, where her body weight was measured at 65.2 Kg, and her BMI was recorded as 24.8.

5. The learned counsel for the petitioner submits that the BMI of the petitioner was wrongly calculated by the DME and the RME. Placing reliance on the Judgments of this Court in *Mukesh Singh v. Union of India & Ors.* 2022 SCC OnLine Del 4405, and *Sonu Rajput v. Union of India & Anr.*, 2024 SCC OnLine Del 6437., he submits that the petitioner should be subjected to further medical examination by a Board to be constituted by the respondents to determine her correct BMI.

6. Issue notice.

7. Notice is accepted by the learned counsels for the respective respondents mentioned hereinabove.

8. They submit that the findings of the DME and the RME cannot be faulted solely on the basis of the report from the Guru Teg Bahadur Hospital, which was conducted three days after the RME. They submit that the petitioner was found to be overweight, with her BMI exceeding the permissible limit, and was rightly declared unfit for appointment.

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



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10. In the present case, there is no dispute that, in terms of the Medical Guidelines applicable to the selection process, the maximum permissible BMI for a candidate is 25. The petitioner was found to have exceeded this limit, at both the DME and the RME stages. Merely because during her examination by the Guru Teg Bahadur Hospital, she could bring her BMI down to 24.8, could not make her eligible for being appointed to the post or doubting the correctness of the DME and the RME findings. The Medical Examination of a candidate is not a continuing process where the candidate may achieve the desired standard over a period of time.

11. As far as the Judgment of this Court in *Mukesh Singh* (supra) is concerned, the Court did not comment on the merits of the matter while directing the independent hospital to re-examine the petitioner therein. In *Sonu Rajput* (supra), the Court found that the candidate had recently delivered a baby and, therefore, could not have been declared unfit for being overweight, given the peculiar facts of the case. These judgments, therefore, cannot come to the aid of the petitioner.

12. Accordingly, we do not find any merit in the present petition. The same is dismissed. The pending application is also disposed of as being infructuous.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 7, 2025/Arya/DG

[Click here to check corrigendum, if any](#)