



2025:DHC:1072-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1893/2025, CM APPLs. 8979/20250, 8980/2025,
8981/2025 & 8982/2025

DEPARTMENT OF PERSONNEL
AND TRAINING

.....Petitioner
Through: Mr. Piyush Beriwal, Mr. Sandip
and Ms. Jyotsna Vyas, Advs.

versus

KORE NIHAL PRAMODRespondent
Through: Mr. Raja Choudhary, Mr.
Sanyam Jain and Mr. Japdeep Singh Chahal,
Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)
14.02.2025

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C. HARI SHANKAR, J.

1. The respondent had participated in the Civil Services Examination, 2022, as a person with disability. He was in possession of a disability certificate which certified him as suffering from 60% disability. He scored the 922nd rank in the examination.

2. He was referred to the All India Institute of Medical Sciences¹ for medical examination. The first medical examination report of the AIIMS certified that he was unfit for PWD benefit. It did not,



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however, certify the percentage of disability from which he was suffering. He, therefore, appealed against the said decision. The Appellate Medical Board, in AIIMS certified him as suffering from 9.66% disability in the left ear. The respondent challenged the decision of the Appellate Medical Board on the ground that it was improperly constituted as it had only one member and was in violation of the applicable Regulations.

3. The matter was thereafter carried to this Court by way of WP (C) 15755/2023 in which, by order dated 23 April 2024, this Court directed that the respondent be referred for opinion to the Research and Referral Hospital, which is admittedly an expert hospital.

4. The Research and Referral Hospital certified that the respondent as suffering from 84.2% progressive hearing loss.

5. In these circumstances, the Central Administrative Tribunal², in the impugned order, has directed that the petitioner should be considered for appointment on the basis of the certificate of disability issued by the Research and Referral Hospital. In case, the petitioner meets the disability standards on the basis of that certificate and qualifies on merit, the Tribunal has directed that he be offered an appointment.

6. Aggrieved by the said order, the Union of India has approached this Court.

¹ "AIIMS" hereinafter

² "the Tribunal" hereinafter



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7. We have heard Mr. Piyush Beriwal, learned Counsel for the petitioner.

8. Mr. Beriwal submits that as there are contrary opinions by two expert bodies, with the Appellate Medical Board in the AIIMS certifying the respondent is suffering only from 9.66% disability in one ear and the Research and Referral Hospital certifying him as suffering from 84.2% progressive disability, the matter may be referred to one more Medical Board.

9. We are not agreeable to this request for the following reasons:

(i) The respondent is already in possession of a disability certificate certifying him with 60% disability.

(ii) After noticing the pre-existing reports, this Court, by order dated 23 April 2024 passed in WP (C) 15755/2023, directed the respondent to be referred to the Research & Referral Hospital. The intent was obviously to achieve a quietus to the controversy. This order was never challenged, and binds both parties.

(iii) The Research and Referral Hospital certified the respondent as suffering from 84.2% progressive disability.

10. In these circumstances, we are not inclined to subject the



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respondent to one more round of medical examination.

11. We are in agreement with the view adopted by the Tribunal. No case for interference exists. The writ petition is accordingly dismissed.

12. Let the judgment of the Tribunal be implemented within a period of three weeks from today.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 14, 2025/aky

Click here to check corrigendum, if any