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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1910/2025, CM APPL. 9014/2025 & CM APPL. 9015/2025

STAFF SELECTION COMMISSION & ANR.Petitioners
Through: Ms. Saumya Tandon, Adv.

versus

ASHISH SHARMARespondent
Through: Ms. Esha Mazumdar and
Mr. Setu Niket, 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. This is a case in which the respondent had applied for recruitment to the post of Constable (Exe) Male & Female in the Delhi Police.
2. He was found to be suffering from deformity in the middle finger of his left hand.
3. The Detailed Medical Examination¹ and the Review Medical

¹ "DME", hereinafter



Examination² reports were consistent in this regard.

4. On the ground that the respondent had obtained an opinion from an outside government hospital stating that he was fit for joining service, the Central Administrative Tribunal³ has directed that he be subjected to a Review Medical Board.

5. In view of the judgment of this Court in *Priyanka v UOI*⁴ as well as in *Staff Selection Commission v Aman Singh*⁵ we are not inclined to subscribe to the view held by the Tribunal.

6. Once there is consistency in the reports of the DME and the RME, ordinarily, the matter would not brook reference to a third medical examination.

7. However, Ms. Esha Mazumdar, learned Counsel for the respondent, points out, relying on the judgment of this Court in *Staff Selection Commission v Ravi*⁶, that given the nature of the infirmity which is a mere deformity in the middle finger of left hand which may not even be the dominant hand, the petitioner should be directed to take a call as to whether the deformity would interfere with the normal discharge of his functions as a Constable in the Delhi Police.

8. The request is reasonable.

² “RME”, hereinafter

³ “the Tribunal”, hereinafter

⁴ 2020 SCC OnLine Del 1851

⁵ 2024 SCC OnLine Del 7600

⁶ 2024 SCC OnLine Del 8048



9. Accordingly, though the respondent would not be entitled to be considered by a fresh medical board, the petitioner would pass an order on the issue of whether the infirmity from which the respondent suffers could impede the performance of his duties as Constable in the Delhi Police and communicate the decision to the respondent within a period of two weeks from today.

10. Needless to say, the decision to recruit or not recruit the respondent as Constable in the Delhi Police would be dependent on the outcome thereof.

11. Subject to the above modification, the impugned order of the Tribunal stands upheld.

12. The writ petition stands disposed of accordingly.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 14, 2025/AS

Click here to check corrigendum, if any