



2025:DHC:2385-DB



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

Date of decision: 07.04.2025

+ W.P.(C) 2275/2025 & CM APPL. 10734/2025, CM APPL. 10735/2025

STAFF SELECTION COMMISSION & ANR.

.....Petitioners

Through: Ms. Radhika Bishwajit Dubey,
CGSC with Ms. Gurleen Kaur
Waraich and Mr. Kritarth
Upadhaya, Advs.

versus

LAALI MEENA

.....Respondent

Through: Ms. Esha Mazumdar and Ms.
Muskan Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

1. This Writ Petition has been filed by the petitioners, challenging the Order dated 27.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No. 33216/2024 (O.A.), titled ***Laali Meena v. Staff Selection Commission & Anr***, allowing the said O.A. filed by the respondent, with the following observations and directions: -

"7. In our considered view, the ratio of the aforesaid Order applies to the facts of the present case as well. Accordingly, the OA is



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also disposed of with a direction to the competent authority amongst the respondent to conduct a fresh medical examination of the applicant by way of constituting an appropriate medical board in any government hospital except the hospital which has already conducted the initial and the review medical examination. Appropriate orders with respect to the candidature of the applicant on the basis of the outcome of such an independent/fresh medical examination be passed thereafter under intimation to the applicant.

8. The aforesaid directions shall be complied with within a period of twelve weeks from the date of receipt of a certified copy of the order. In the event the applicant is being declared medically fit, subject to her meeting other criteria, she shall be given appointment forthwith. The applicant, in such an eventuality, shall also be entitled to grant of all consequential benefits, however, strictly on notional basis. No costs."

2. Briefly stated, the facts giving rise to the present petition are that the respondent herein had applied for the post of Constable (Exe.) (Female), pursuant to the advertisement issued by the petitioner for the said post on 01.09.2023. She successfully cleared the initial stages of the recruitment, however, she was declared 'Temporarily Unfit' on account of *Low Haemoglobin* in the Detailed Medical Examination ('DME') vide its report dated 23.01.2024. In the said report, her haemoglobin level was found to be 7.8 g/dl.

3. Aggrieved by the same, the respondent applied for a Review Medical Examination Board ('RME'). However, the RME also declared the respondent 'unfit' for appointment due to '*Low Haemoglobin (anaemia)*' vide its report dated 28.01.2024. It was



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further opined that due to the low haemoglobin level, the respondent would have to frequently visit hospitals, which would hamper the performance of her duties.

4. It is claimed that thereafter, the respondent got herself examined at the Balaji Diagnostic Centre on 01.02.2024, and at the Rajkiya Chikitsalaya, Chandwajai, on the same day, and again on 05.02.2024. In these examinations, her haemoglobin levels were reported as 10.8 g/dl and 10.4 g/dl respectively, which were above the prescribed limit.

5. Armed with the above reports, the respondent approached the learned Tribunal in the form of the abovementioned O.A.

6. At the outset, we would note that the learned Tribunal allowed the O.A. filed by the respondent by simply placing reliance on its earlier Order dated 10.05.2024, passed in O.A. No. 519/2024 titled ***Teekam Singh Meena v. Staff Selection Commission (SCC) & Ors.***

7. We are pained to observe that the learned Tribunal failed to examine the facts of the present case and merely stated that the ratio of the above order applies to the facts of the instant case. The learned Tribunal has fallen in error in not examining the facts of this case. ***Teekam Singh Meena*** (supra) cannot be blindly applied to all facts. It's applicability has to be determined in the facts of each case.

8. At this stage, one option before us, therefore, would be to remand the matter back to the learned Tribunal for a fresh consideration, however, taking into account that the dispute raised is regarding recruitment process and that any delay in the adjudication of the same may cause administrative chaos, we have proceeded to consider the claim of the respondent on merits as well.



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9. As it is evident from the above, the DME and the RME have both found the respondent to be suffering from '*Low Haemoglobin*', being recorded as 7.8 g/dl. We also observe that the examinations were conducted with a gap of five days, i.e., on 23.01.2024 and 28.01.2024, respectively.

10. The learned counsel for the respondent, as noted hereinabove, has relied upon the reports of a Private Diagnostic Centre as well as a medical examination conducted by the State Medical Centre. It is pertinent to note that the said reports also show the haemoglobin level to be almost bordering the minimum limit that was prescribed in the recruitment process.

11. In the present facts and circumstances, we are of the opinion that merely on the basis of the reports of a Private Diagnostic Centre and even a Government Health Centre, the consistent reports of the DME and the RME cannot be doubted or challenged.

12. Furthermore, the learned Counsel for the respondent submits that in terms of the prescribed guidelines, in case of any dispute arising out of the findings of the DME, sufficient time, preferably a month, should have been given to the candidate to appeal against the finding by the DME of being declared as '*temporary unfit*'. She submits that in the present case, as the RME was conducted almost immediately after DME, i.e., with the gap of five days, the aforesaid guidelines have been violated by the petitioner. She submits that the respondent should, therefore, be given a fair opportunity to prove that she does not suffer from low haemoglobin. To strengthen her arguments, she places reliance on the judgment of this Court in



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Ashwani v. Union of India & Ors, 2017 SCC OnLine Del 12141.

13. We again do not find any merit in the above contention of the learned counsel for the respondent.

14. In the present case, as noted hereinabove, although the RME was conducted five days after the DME, the report of the count of haemoglobin level of the respondent remained the same, which was much below the prescribed limit and thus, it was clearly not a borderline case. Further, the purpose of the RME is to provide the candidate with an opportunity to appeal, if the candidate is aggrieved by the findings of the DME and there is some error found in the finding of the DME. Where no error is found in the report of the DME, it cannot be set aside merely because the RME was conducted early. It would depend on facts and circumstances of each case as to whether early conduct of the RME has caused any prejudice to the candidate or not. In the present case, the finding of the DME with respect to the *Low Haemoglobin* has been affirmed by the RME. In our opinion, merely because the RME was conducted only five days after the DME, it does not vitiate the process so as to warrant interference in the same.

15. In the case of ***Ashwani (supra)***, this Court was confronted with the case where the RME had been conducted on the very same day as the DME. The said judgment, therefore, would not come to the aid of the respondent.

16. Accordingly, we find that the learned Tribunal has erred in issuing the above directions to the petitioners to conduct a re-medical examination of the respondent. We, therefore, set aside the impugned



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order.

17. The appeal is allowed in the abovementioned terms. There shall be no order as to cost. Pending application(s), if any, disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 7, 2025

Ab/sm/DG

Click here to check corrigendum, if any

Signature Not Verified

Signed By: VIJAYA
LAKSHMI DOBHAL
Signing Date: 16.04.2025
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