



2025:DHC:9996-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 12.11.2025***

+ W.P.(C) 2290/2025 & CM APPLs. 10760/2025, 10761/2025
STAFF SELECTION COMMISSION & ANR.Petitioners
Through: Ms.Radhika Bishwajit Dubey,
CGSC with Ms.Gurleen Kaur
Waraich and Ms.Aprajita
Verma, Advs.

versus

MANEESH KUMARRespondent
Through: Mr.Setu Niket and Ms.Esha
Mazumdar, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This 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 the, 'Tribunal') in O. A. No. 3327/2024, titled ***Maneesh Kumar v. Staff Selection Commission & Anr.***, whereby the learned Tribunal disposed of the said O.A. filed by the respondent herein with the following 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 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 this order. In the event the applicant is being declared medically fit, subject to his meeting other criteria, he 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. To give a brief background of the present case, the respondent had applied for the post of Constable (Executive) (Male) in the Delhi Police Examination, 2023, pursuant to the advertisement issued on 01.09.2023. He was provisionally selected, subject to medical fitness. However, he was declared medically ‘unfit’ for appointment by the Detailed Medical Examination Board *vide* its report dated 19.01.2024, with the following observation:

“Gunstock Deformity Left Upper Limb”

3. Importantly, the Detailed Medical Examination Board consisted of a Specialist Orthopaedic.

4. The respondent, being aggrieved by the said declaration of unfitness, applied for a Review Medical Examination Board.

5. The Review Medical Examination Board, which did not consist



2025:DHC:9996-DB



of an Orthopaedic, again declared the respondent medically 'unfit' for appointment *vide* its report dated 20.01.2024, with the following remark:

“Obliteration of carrying angle in Left Upper Limb - Gunstock Deformity”

6. Aggrieved by the above report, the respondent got himself examined at a Government Hospital. Armed with the said reports, the respondent filed the above O.A. before the learned Tribunal, which, as noted hereinabove, has been disposed of with the directions reproduced above.

7. The learned counsel for the petitioners submitted that as there is consistency between the reports of the Detailed Medical Examination Board and the Review Medical Examination Board, the learned Tribunal erred in directing a re-medical examination of the respondent.

8. We are unable to accept the above submission of the learned counsel for the petitioners.

9. The learned counsel for the respondent has pointed out that, apart from the fact that the Review Medical Examination Board did not consist of a Specialist Orthopaedic, the necessary clinical examination in the form of an X-Ray, as required in terms of Paragraph 7 (i) of the Revised Uniform Guidelines for Review Medical Examination in Central Armed Police Forces and Assam Rifles For GOs & NGOs dated 31.05.2021, was not conducted on the respondent. The reports also do not mention the angle of the limb, which would indicate whether the respondent was suffering from



2025:DHC:9996-DB



Gunstock Deformity, as alleged.

10. Given the above facts, we do not deem it appropriate to interfere with the direction of the learned Tribunal in the present case.

11. The petition, along with the pending applications, is accordingly, dismissed.

12. There shall be no orders as to costs.

13. The petitioners shall comply with the direction passed by the learned Tribunal within a period of four weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 12, 2025/sg