



2025:DHC:6512-DB



\$~16

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 05.08.2025

+ W.P.(C) 2550/2025 & CM APPL. 12056/2025
STAFF SELECTION COMMISSION & ANR.

.....Petitioners

Through: Ms.Saumya Tandon, CGSC
with Mr.Gaurav Singh Sengan,
Adv

versus

AJEET KUMAR YADAV

.....Respondent

Through: None.

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 petitioner challenging the Order dated 20.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3265/2024, titled ***Ajeet Kumar Yadav v. Staff Selection Commission & Ors.***, allowing the said O.A. filed by the respondent herein with the following directions:-

"6. In view of the decision taken by this Tribunal in various OAs, we cannot take a divergent view in the present matter. Accordingly, the OA is also disposed of with a direction to the competent



authority/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.

7. 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. In spite of service of notice, none is appearing for the respondent. The respondent is, accordingly, proceeded *ex-parte*.

3. The learned counsel for the petitioners submits that the learned Tribunal has erred in interfering with the consistent opinion of the Detailed Medical Examination (DME) and the Review Medical Examination (RME) Boards finding the respondent to be suffering from hypertension. She submits that prior to the report of the RME, the respondent was also admitted to a hospital and his blood pressure was monitored over a period of five days, which showed him to be suffering from hypertension. She submits that the said report could not have been interfered with by the learned Tribunal.

4. We have considered the submissions made by the learned counsel for the petitioner.



2025:DHC:6512-DB



5. We find that the RME, before declaring the respondent to be 'unfit' on account of hypertension, had got him admitted to the Composite Hospital, CRPF, New Delhi, wherein his blood pressure was monitored over a period of five days, that is, on 30.01.2024, 31.01.2024, 01.02.2024, 02.02.2024, and 03.02.2024. The Medical Expert had given an opinion that he suffers from hypertension. Such report should not have been interfered with by the learned Tribunal. It is settled law that reports of the Medical Expert can be interfered with only on very limited grounds, like not following the procedure prescribed or the report otherwise being arbitrary or suffering from *mala fide*. None of these grounds were made out by the respondent in the present case.

6. Accordingly, we set aside the Order passed by the learned Tribunal.

7. The petition is allowed in the above terms. The pending application also stands disposed of. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 5, 2025/rv/ik