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

Date of decision: 05.08.2025

+ W.P.(C) 2563/2025 & CM APPL. 12147/2025
STAFF SELECTION COMMISSION & ANR.

.....Petitioners

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

versus

KM MADHU

.....Respondent

Through: Ms.Esha Mazumdar, Adv

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. 3233/2024, titled ***KM Madhu 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 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. 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, which declared the respondent ‘unfit’ for appointment as he was suffering from cubitus valgus with a carrying angle of more than 20 degrees. She further submits that the respondent had been subjected to tests by the orthopedic specialist and, thereafter, also referred to a radiologist for a confirmation. In these reports as well, he was found suffering from cubitus valgus. She submits that these consistent reports should not have been interfered with by the learned Tribunal, making the selection process endless.

3. On the other hand, the learned counsel for the respondent submits that there are inconsistencies in the reports of the DME and RME. She submits that while the DME finds the carrying angle of the



left upper limb of the respondent to be within the limit, it reports only the right upper limb to be above the limit, that is, of 21 degrees. As against the said report, the orthopedic specialist finds the respondent's right carrying arm angle to be 24 degrees. When the respondent is thereafter referred for a radiologist test, the right carrying angle is reported as 30 degrees while the left carrying angle is reported as 27 degrees. She states that given the inconsistencies in the reports, therefore, the learned Tribunal has rightly referred the respondent for a re-medical examination.

4. The learned counsel for the respondent submits that in the earlier recruitment process of 2022, the respondent had been declared medically 'fit' by a medical board of the CAPF. She submits that this also casts a doubt on the reports of the DME and RME.

5. We have considered the submissions made by the learned counsels for the parties.

6. Though the different reports have given different carrying angles of the right arm of the respondent, the fact remains that they are consistent on one factor, which is, that the carrying angle of the right arm of the respondent is more than the permissible limit. It has also been backed by a radiologist report. Merely because in another recruitment process, the respondent had been declared medically 'fit' for appointment, it cannot cast a doubt on the consistent medical reports in the present selection process. In support, we may place reliance on the Judgment of this Court in ***Kaushal Kumar vs. Union of India and Ors.***, 2025:DHC:188-DB.



7. Given these factors, the learned Tribunal has, in our view, committed an error in simply relying upon its earlier order dated 10.05.2024 in O.A. No. 1275/2024 to allow and direct a fresh re-medical examination of the respondent, making the selection process open and endless. The medical reports should not have been interfered with by the learned Tribunal in such a casual manner. 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 where the report is otherwise found to be arbitrary or as suffering from *mala fide*. None of these grounds were made out by the respondent in the present case.

8. Accordingly, the Impugned Order is set aside. The petition is allowed in the above terms. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 5, 2025/rv/ik