



2025:DHC:1632-DB



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

+ W.P.(C) 2802/2025, CM APPLs. 13328/2025, 13329/2025,
13330/2025 & 13331/2025

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Ashish K. Dixit, CGSC
with Mr. Shivam Tiwari, Ms. Urmila
Sharma, Ms. Deepika Kalra and Ms. Venni
Kakkar, Advocates

versus

NISHA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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05.03.2025

C.HARI SHANKAR, J.

1. The respondent had applied for recruitment to the Constable (Exe) Female in the Delhi Police. She qualified the selection whereafter she was subjected to a medical examination. As per procedure, the respondent was first subjected to a Detailed Medical Examination¹ and thereafter to a Review Medical Examination².

2. The DME took place on 19 January 2024. The report of the DME, apropos fitness, read thus:

¹ "DME", hereinafter

² "RME", hereinafter



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“19. i) Fit.....Medical certificate in duplicate enclosed.....

ii) Unfit on account of Urine RBCs 30-35/HPF

iii) Temp. Unfit on account of Unfit + urine reactive - 35-35
/ HPF
(Medicine) ”

3. The respondent was thereafter referred to the Review Medical Board on 25 January 2024. The report of the Review Medical Board entered the following remarks:

“Unfit in DME Due to Urine - RBC - 30-35 / HPF

RPT Urine at 24/1 RBC 10-15 / HPF

PTT - 15.9 sec

USG - WNL

Ref to LNH hospital for surgical and physician opinion

All relevant details attach

Urine -R/M

KFT

Coagulation

USG abdomen

Signature:

(Doctor's signature)

Dr. RINCHEN ANGMO

DME Pol Board Mem

BSF Hospital Police Rectt.

Date: 28/1/24”

4. As recommended by the Review Medical Board, the respondent was examined by the LNJP Hospital on 27 January 2024. The LNJP Hospital noted that the respondent was having acute urinary tract infection and put her on a course of antibiotics. She was advised to take Ciplox tablets 600 mg twice a day alongwith syrup Alkasol

Signature Not Verified

Digitally Signed By: AWP.(C) 2802/2025

KUMAR

Signing Date: 12.03.2025

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and Pantoprazole 40 mg once a day and to have plenty of fluids. Within four days of the said prescription, the respondent was again assessed by the Review Medical Board, which found her unfit for appointment on the ground that she was still suffering from Urinary Tract Infection³.

5. We have already taken a view, in *Staff Selection Commission v Aman Singh*⁴, that, if the Review Medical Board refers the candidate to an expert for opinion, the view of the expert has to be given due credence. Besides, we cannot be unmindful of the fact that the case of the respondent was one of the UTI and hematuria, which is fundamentally curable. Following the view, we have taken in *Aman Singh*, we are of the opinion that the petitioner ought to have waited at least for the course of the antibiotics prescribed by the LNJP Hospital to be over before subjecting her to Review Medical Examination.

6. By now, in any case, the antibiotic course prescribed to the respondent would have been completed. It would only be fair for the respondent to be examined once more, to ascertain whether the UTI and hematuria persist.

7. We, therefore, find no reason to interfere with the decision of the Tribunal to subject the respondent to a fresh medical examination. However, we make it clear that the respondent would be bound by the outcome of the fresh examination and would not be entitled to any third chance.

³ “UTI”, hereinafter

⁴ 2024 SCC OnLine Del 7600



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8. The writ petition stands disposed of, in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 5, 2025/yg

Click here to check corrigendum, if any