



2025:DHC:1724-DB



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

Date of decision: 18.03.2025

+ W.P.(C) 3068/2025
UNION OF INDIA & ORS.Petitioners
Through: Mr.Rajat Mohan Dwivedi, Adv.

versus

MAKSOODRespondent
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 14497/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 3068/2025 & CM APPL. 14496/2025

2. This petition has been filed by the petitioners, challenging the Order dated 14.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'learned Tribunal') in Original Application No.986/2024 (in short, 'O.A.'), titled *Maksood v. Staff Selection Commission & Ors.*. The learned Tribunal allowed the said O.A. filed by the respondent herein and directed the petitioners to conduct a re-examination of the respondent by a duly constituted Medical Board, which would include a Specialist in the respective field, and re-determine the fitness of the respondent for appointment to the post of Constable in the Delhi Police.



3. The respondent had been declared 'unfit' for appointment as a Constable in the Delhi Police by the Review Medical Board observing as under:

"2. Brief of Review Medical Examination & Findings thereof: Orthopaedic Opinion taken at GTB Hospital — (R) little finger has mild soft tissue contracture. (L) little finger mild contraction (opinion attached)

3. Final Opinion

(a) FIT

*(b) UNFIT on account of: UNFIT
due to B/L mild soft tissue contraction on little
finger."*

4. The learned counsel for the petitioners submits that the learned Tribunal has erred in ignoring the consistent view and opinion of the Medical Board and the Review Medical Board on the unfitness of the respondent to be appointed to the post of Constable. He submits that before rendering its opinion, the Review Medical Board had also obtained an opinion from the Guru Tegh Bahadur Hospital, Shahdara, which is a designated hospital for the Selection Board. He submits that this report should not have been disregarded by the learned Tribunal without any valid reason.

5. We have considered the submission made by the learned counsel for the petitioners.

6. At the outset, we may note that the present petition has been filed with a huge delay of almost 9 months. Even otherwise, we do not find any merits in the present petition.

7. Clause 13.1 of the Notice Inviting Applications for the post of



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Constable (Executive) (Male and Female) in the Delhi Police Examination-2023, reads as under: -

“13. Medical Standard:

13.1 The candidates should be in sound state of health, free from defect/ deformity/disease, vision 6/12 without glasses both eyes, free from colour blindness and without any correction like wearing glasses or surgery of any kind to improve visual acuity. Free from defect, deformity or disease likely to interfere with the efficient performance of the duties. No relaxation is allowed/ permissible to any category of candidates on this count.”

(Emphasis Supplied)

8. From the above, it is apparent that apart from the candidate being free from any defect, deformity or disease, the Medical Board is also to opine if the condition suffered by the candidate is likely to interfere with the efficient performance of the duty by the candidate. In the present case, the Medical Board has not rendered any opinion on this aspect.

9. We, therefore, do not find it appropriate to interfere with the Impugned Order in the exercise of our power under Article 226 of the Constitution of India.

10. The petition and the pending application are, accordingly, dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MARCH 18, 2025/Arya/DG

Click here to check corrigendum, if any