



2025:DHC:1685-DB



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

Date of decision: 17.03.2025

+ **W.P.(C) 3258/2025**
STAFF SELECTION COMMISSION AND ORSPetitioners
Through: Mr.Ashish K. Dixit, CGSC with
Mr.Shivam Tiwari, Ms.Urmila
Sharma, Ms.Deepika Kalra and
Ms.Venni Kakkar, Advs.

versus

KM MANJURespondent
Through: Ms.Esha Muzumdar, Mr.Setu
Niket and Ms.Unni Maya S.,
Advs.

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

NAVIN CHAWLA, J. (ORAL)

CM APPL. 15308/2025 & CM APPL. 15310/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 3258/2025 & CM APPL. 15309/2025, CM APPL. 15311/2025

2. This petition has been filed by the petitioners, challenging the Order dated 02.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'learned Tribunal') in Original Application No. 566/2024 (O.A.) titled ***KM Manju v. The Staff Selection Commission through its Chairman***



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& Ors., The learned Tribunal allowed the said O.A. filed by the respondent herein and directed the petitioner to conduct a fresh examination of the respondent by an appropriate Medical Board in any government hospital, except the hospital which has already conducted the initial and the Review Medical Examination of the respondent, and based on the outcome thereof pass appropriate orders.

3. The respondent had applied for the post of Constable Executive (Female) in the Delhi Police pursuant to an advertisement for Constable (Executive) (Male and Female) in the Delhi Police Examination, 2023, issued on 01.09.2023. She was declared 'unfit' for appointment by the Medical Board *vide* its Report dated 21.01.2024, citing the following reasons: -

"Hypopigmented patches on Rt arm & shoulder/neck area"

4. The respondent being aggrieved by the same, applied for a Review Medical Examination. She was referred to a Dermatologist for a further opinion, and based on the said opinion, the Review Medical Examination Board also declared her 'unfit' for appointment, observing as under: -

"Hypopigmented large patches over multiple sites"

5. Aggrieved by the above, the respondent got herself re-examined at the Ram Manohar Lohia Hospital and the Lok Nayak Jai Prakash Narain Hospital and having been declared 'fit' by these hospitals, she challenged the opinion of the Medical Board and the Review Medical Examination Board before the learned Tribunal in the form of the above O.A.

6. As noted hereinabove, the O.A. has been allowed by the learned



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Tribunal, directing for a re-medical examination of the respondent.

7. The learned counsel for the petitioners placing reliance on the Judgment of this Court in *Staff Selection Commission & Ors. v. Aman Singh*, 2024 SCC OnLine Del 7600, and in *Sagar Sharma v. Staff Selection Commission & Ors.*, 2024:DHC:9051-DB, submits that the opinion of the Medical Boards cannot be interfered with only on the basis of a further report obtained by the candidate from a Government or a Private Hospital. He submits that it is only where there is a notable discrepancy between the findings of the Detailed Medical Examination Board and the Review Medical Examination Board, that interference may be justified. He further submits that Courts not being medical expert should normally not interfere with the consistent opinions of the Medical Boards. He further submits that in terms of Clause 13.1 of the Advertisement, any defect/deformity/disease suffered by a candidate constitutes a ground for disqualification. He submits that in the present case, there is a consistent opinion of the Detailed Medical Examination and the Review Medical Examination on the medical unfitness of the respondent, however, the learned Tribunal has interfered with these findings and directed a re-medical examination of the respondent in a routine manner.

8. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, submits that Clause 13.1 of the Advertisement requires the Medical Examination Board also to opine whether the defect/deformity/disease suffered by a candidate is likely to interfere with the efficient performance of the duties by the



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candidate. She submits that in the present case, neither the Detailed Medical Examination nor the Review Medical Examination arrived at such a conclusion before declaring the respondent as ‘unfit’ for appointment. Placing reliance on the Judgment of this Court in ***Staff Selection Commission & Ors. v. Ravi***, 2024:DHC:8788-DB, she submits that it is only where the Medical Board forms the above opinion that a candidate can be disqualified from appointment.

9. She further submits that the condition suffered by the respondent is not likely to interfere with the performance of her duties if appointed to the post; in fact, the medical opinion of the expert Dermatologist itself suggests that the mark in question is a birthmark and not a contagious or other condition which is likely to interfere with the performance of the duties by the respondent.

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

11. Clause 13.1 of the Advertisement reads as under: -

“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.”

12. From the above, it would be evident that the Medical Board, if it detects the candidate to be suffering from a defect/deformity/disease is also to further opine if such defect/deformity/disease is likely to



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interfere with the efficient performance of the duties by the candidate.

13. While there can be no doubt on the proposition of law that consistent view of the Medical Board and the Review Medical Board requires and is to be accorded due recognition and cannot be interfered with in a casual manner, especially keeping in view the fact that the Courts are not medical experts, at the same time, where the Medical Board has not opined on the above vital aspect, the candidate would require a further examination to reach a conclusion on the above.

14. The same was held by this Court in **Staff Selection Commission & Ors. v. Ravi** (supra) by observing as under: -

*“11. Though, therefore, on facts, **Veena** may not be fully applicable, we deem it appropriate, instead of entering into that thicket, to direct the petitioners to refer the matter once more to a Review Medical Board, for a specific opinion as to whether the condition of Dextrocardia, from which the respondent suffers, renders him incapable is “likely to interfere with the efficient performance of his duties” as Constable (Executive).”*

15. In **Sagar Sharma** (supra), the Court was considering a case of a candidate who had been declared ‘unfit’ on the grounds of defective colour vision. Clause 13.1 of the Advertisement re-produced hereinabove, states that a candidate must be free from colour blindness. The Court found this to be a complete and unqualified ground for rejecting a candidate. The said Judgment, therefore, would not come to the aid of the petitioner in the present case.

16. Accordingly, we find no infirmity in the Impugned Order passed by the learned Tribunal.



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17. The petition along with the pending applications is accordingly dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MARCH 17, 2025/sg/DG

Click here to check corrigendum, if any