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

Date of decision: 04.08.2025

+ W.P.(C) 3974/2025 & CM APPL. 18478/2025
STAFF SELECTION COMMISSION & ANR.Petitioners
Through: Mr.Rohan Jaitley, CGSC with
Mr. Dev Pratap Shahi, Mr.
Varun Pratap Singh and Mr.
Yogya Bhatia, Advs
versus

PANKAJ SHAKYARespondent
Through: Ms.Esha Mazumdar, Mr.Setu
Niket and Ms.Muskan Sharma,
Advs

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 09.08.2024, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 3138/2024, titled ***Pankaj Shakya v. Staff Selection Commission & Anr.***, allowing the O.A. filed by the respondent herein with the following direction:-

"11. Accordingly, the present OA is also disposed of with a direction to the competent authority amongst the respondents 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.

12. The aforesaid directions shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order. In the event of the applicant is being declared medically fit and 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. The respondent had applied for the post of Constable (Executive) Male pursuant to an advertisement issued by the petitioners on 01.09.2023. He was declared ‘unfit’ for appointment first by the Detailed Medical Examination (DME) Board and later by the Review Medical Examination (RME) Board. While the DME found him to be suffering from Bilateral Cubitus Valgus with a carrying angle of more than 20 degrees, the RME, based on a report from the Radiologist, CMO (OG) CRPF Hospital, found that the carrying angle measurement of the respondent was 21 degrees in both elbows.

3. Aggrieved by the same, the respondent had approached the learned Tribunal by way of the above O.A..

4. The learned Tribunal in a perfunctory manner, only relying upon its earlier decision dated 04.04.2024 passed in O.A. 1383/2024, has allowed the O.A filed by the respondent herein, without appreciating the peculiar facts of the case.

5. The learned counsel for the petitioner submits that in the present



case, the respondent had been examined by a Radiologist, who had opined that he suffers from a Bilateral Cubitus Valgus with carrying angle of 21 degrees. He submits that the medical guidelines clearly stipulate that any candidate having a carrying angle of more than 20 degrees will be declared 'unfit' for appointment. He submits that the reason for the same is also contained in the Office Memorandum dated 31.05.2021, titled '*Revised Uniform Guidelines for Review Medical Examination in Central Armed Police Forces and Assam Rifles for GOs and NGOs: Amendment Thereof*' wherein, it has been observed as under:-

"VII. UPPER EXTREMITIES:

XXXXXX

2. Carrying angle-

XXXXXX

b) Cubitus valgus- The carrying angle apparently develops in response to pronation of the forearm and keeps the swinging upper extremity away from the side of the pelvis during walking. Increasing the carrying angle may lead to elbow instability and pain during exercise or in throwing activities of sports, may reduce function of elbow flexion predisposing to risk of elbow dislocation and increase evidence of elbow fracture when falling on outstretched hand and fracture of the distal humeral epiphysis."

6. He submits that, therefore, the learned Tribunal has erred in directing a re-medical examination of the respondent.

7. On the other hand, the learned counsel for the respondent



submits that as far as the DME is concerned, it does not appear to have carried out any clinical examination, nor referred the respondent to a specialist. She submits that the RME referred the respondent to a Radiologist instead of an Orthopaedic, who would have been more conversant with the manner of measuring the carrying angle. She further submits that even the medical guidelines relied upon by the petitioner state that the carrying angle is to be measured by using a Goniometer, which admittedly has not been done in the present case.

8. She further places reliance on the Judgement of this Court in ***Union of India and Ors. v. Anjani Bana***, 2025:DHC:5569-DB, to submit that as the carrying angle of the respondent was measured only by the RME, the respondent did not get an opportunity to challenge the said report and, therefore, should be allowed to be reexamined by a medical expert and the order passed by the learned Tribunal deserves no interference from this Court.

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

10. It is trite law that not being medical experts, the Court should refrain itself from interfering with the reports of the medical experts. It is only in very limited circumstances that the Court may interfere with the same. In the present case, as noted hereinabove, the learned Tribunal has directed a re-medical examination of the respondent merely placing reliance on one of its earlier orders and without appreciating whether the same would apply to the given facts. We disapprove the same.

11. As far as the facts in the present petition are concerned, the



DME and the RME, both, are consistent that the respondent has a carrying angle of more than 20 degrees. It is also not denied that any candidate having a carrying angle of more than 20 degrees has to be declared 'unfit' for appointment. The reason for the same is also explained in the Medical Guidelines, which we have quoted hereinabove.

12. In the present case, though, it is not shown that the respondent was referred to a specialist by the DME, at least the RME had referred the same to a Radiologist for measuring the carrying angle. The report of the Radiologist is clear and unequivocal that the respondent has a carrying angle of 21 degrees in both elbows. The mere fact that the RME refers to a sonogram report rather than a measurement by a Goniometer, in our opinion, will not make any difference to the validity of the report.

13. In **Anjani Bana** (supra), the RME had referred the candidate therein to a private clinic. It was in those facts that we had, stating that the order is being passed in peculiar facts, allowed the respondent therein to be subjected to another medical examination. In the present case, the RME had referred the respondent to CRPF Hospital and to a Radiologist. Therefore, the Judgement in **Anjani Bana** (supra), will not come to the aid of the respondent.

14. Given the facts of the case, we are of the opinion that the learned Tribunal has erred in interfering with the consistent opinion of the DME and the RME.

15. Accordingly, the Impugned Order dated 09.08.2024 is set aside.

16. The petition is allowed in the above terms. The pending



2025:DHC:6439-DB



application also stands disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 4, 2025/bs/VG/ik