



2025:DHC:3448-DB



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

Date of decision: 05.05.2025

+ W.P.(C) 5759/2025

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

SHRUTI MISHRARespondent

Through: Mr. Setu Niket and Ms. Esha
Mazumdar, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE DHARMESH SHARMA

NAVIN CHAWLA, J. (ORAL)

CM APPL. 26299/2025

1. Allowed, subject to all just exceptions.

W.P.(C) 5759/2025 AND CM APPL. 26298/2025

2. This petition has been filed by the petitioners, challenging the Order dated 09.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'learned Tribunal') in O.A. No. 3148/2024, titled ***Shruti Mishra v. Staff Selection Commission & Anr.***, allowing the O.A. filed by the respondent with the following directions:

"10. Keeping in view the aforesaid decision passed by the co-ordinate bench of this Tribunal in the aforesaid OA, we cannot take a divergent view in the matter. 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.

11. 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 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.”

3. In the present case, the respondent had been declared ‘unfit’ for the appointment to the post of Constable (Executive) (Female) with the Delhi Police by the Detailed Medical Examination Report dated 22.01.2024 (hereinafter referred to as, ‘DME’) on the ground of presence of ‘*Hyper Pigmentation, Lateral Side on left cheek and behind left ear*’, and thereafter, even by the Review Medical Examination Report dated 30.01.2024 (hereinafter referred to as, ‘RME’) on the ground of presence of ‘*Nevus of Ota*’.

4. Aggrieved thereby, the respondent got herself examined at the Lok Nayak Hospital Delhi, where by the report dated 31.01.2024, it was opined that the mark present was a birthmark and did not need any emergency intervention and that she is medically ‘fit’.

5. Armed with the said report, the respondent approached the



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learned Tribunal.

6. The learned Tribunal, as noted hereinabove, allowed the O.A. filed by the respondent and has directed the re-medical examination of the respondent to be conducted.

7. The learned counsel for the petitioners submits that both the DME and the RME have found the respondent 'unfit' for appointment and these reports could not have been interfered by the learned Tribunal on the basis of a report obtained from another Government hospital declaring the respondent 'fit'.

8. We do not find any merit in the above submissions.

9. In the present case, the respondent has cast a doubt on the validity of the report of the RME. There was also an inconsistency in the reports of the DME and RME inasmuch as one reported only of '*Hyper Pigmentation, Lateral Side on left cheek and behind left ear*' while the other mentions about '*Nevus of Ota*'.

10. Keeping in view the above, and taking into account the peculiar facts of the present case, we do not deem it appropriate to interfere with the directions of the learned Tribunal.

11. Accordingly, the petition is dismissed. Pending application also stands disposed of.

NAVIN CHAWLA, J

DHARMESH SHARMA, J

MAY 5, 2025

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Click here to check corrigendum, if any