



2025:DHC:3450-DB



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

Date of decision: 05.05.2025

+ W.P.(C) 5851/2025

COMMISSIONER OF POLICE & ORS.Petitioners

Through: Mr. Rohan Jaitley CGSC with
Mr.Dev Pratap Shahi,
Mr.Varun Pratap Singh and
Mr.Yogya Bhatia, Advs.

versus

SANDEEPRespondent

Through: None

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE DHARMESH SHARMA

NAVIN CHAWLA, J. (ORAL)

CM APPL. 26732/2025

1. Allowed, subject to all just exceptions.

W.P.(C) 5851/2025 AND CM APPL. 26731/2025

2. This petition has been filed by the petitioners, challenging the Order dated 02.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'learned Tribunal') in O.A. No. 1448/2024, titled ***Sandeep v. Commissioner of Police & Ors.***, allowing the O.A. filed by the respondent with the following directions:

"3. We find that the issue in the OA is fully covered by the decision of the Tribunal in OA



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No. 1029/2024. In the circumstances, this 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 medical hospital except the Hospital which has already conducted the initial and the review medical examination, within a period of four weeks' from the date of receipt of a certified copy of this order."

3. In the instant case, the respondent was declared 'unfit' for the appointment to the post of Constable (Executive) (Male) with the Delhi Police by the Detailed Medical Examination Board (hereinafter referred to as, 'DME') vide report dated 23.01.2024 on account of the respondent suffering from the following:

"Fixed Extension deformity in distal interphalangeal Joint of Right Little Finger"

4. The Review Medical Examination Board (hereinafter referred to as , 'RME'), vide its report dated 31.01.2024, also declared the respondent 'unfit' for appointment on the ground as under:

"FIXED EXTENSION DEFORMITY IN DISTAL INTERPHALANGEAL JOINT OF RIGHT LITTLE FINGER."

5. The learned counsel for the petitioners submits that before declaring the respondent 'unfit' for appointment, he had been referred by the RME for an expert orthopedic opinion from the Composite Hospital, CRPF, Jharoda Kalan, New Delhi, and the Doctor there, by a report dated 31.01.2024, opined that the deformity in the right little finger is not acceptable. He further submits that these reports should not have been interfered with by the learned Tribunal.



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6. We have considered the submissions made by the learned counsel for the petitioners.

7. At the outset, we may note that the present petition has been filed with a delay of more than nine months. The learned Tribunal, as noted hereinabove, had directed the petitioners to have the respondent medically re-examined and appoint him if he is declared 'fit' within a period of four weeks of the receipt of the copy of the said Impugned Order. The petition is, therefore, liable to be dismissed on the ground of delay and laches alone.

8. Even on merits, while we agree with the legal submissions made by the learned counsel for the petitioners that the consistent view of the DME and the RME should not be lightly interfered with by the learned Tribunal, in the present case, the respondent had asserted that he had been released/discharged from the Indian Army having been declared in the Shape-1 Medical Category.

9. Moreover, it can be seen that in the DME and the RME, and even in the report of the Orthopedic, there was no clear finding that the deformity suffered by the respondent in his right little finger was likely to interfere with the effective performance of his duties as a Constable, which was pre-requisite in order to declare a candidate 'unfit' for appointment as far as Clause 13.1 of the Advertisement dated 01.09.2023 is concerned.

10. Keeping in view the above, and following the Judgment of this Court in ***Staff Selection Commission & Ors. v. K M Manju***, 2025:DHC:1685-DB, we find no merit in the present petition.

11. The petition along with the pending application is accordingly,



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dismissed.

12. We, however, make it clear that above observations of ours shall not influence the opinion of the medical board in the re-medical examination of the respondent herein carried out in compliance with the impugned order of the learned Tribunal.

NAVIN CHAWLA, J

DHARMESH SHARMA, J

MAY 5, 2025

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Click here to check corrigendum, if any