



2025:DHC:4127-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 20.05.2025

+ **W.P.(C) 6820/2025**
STAFF SELECTION COMMISSION AND ORS

.....Petitioners

Through: Mr. P S Singh, CGSC, Mr.
Rajneesh Kumar Sharma, Ms.
Annu Singh, Ms. Minakshi
Singh, Advs.

versus

PREETI KUMARIRespondent
Through: Ms.Esha Mazumdar & Ms.
Muskan Sharma, Advs.

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

NAVIN CHAWLA, J. (Oral)

CM APPL. 30942/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 30943/2025

2. This application has been filed by the petitioners, seeking condonation of delay of 102 days in filing of the present petition.

3. For the reasons stated in the application, the same is allowed and the delay is condoned.

4. The application is disposed of.

W.P.(C) 6820/2025 & CM APPL. 30941/2025

5. This petition has been filed by the petitioners, challenging the



Order dated 23.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application ('OA') No. 1002/2024, titled ***Preeti Kumari v. Staff Selection Commission & Ors.***, allowing the said OA filed by the respondent herein with the following direction:

"4. In view of the above submissions, the OA is allowed and the respondents are directed to allow the applicant to appear for the re-review medical examination to be conducted by them as per the directions issued by this Tribunal in OA 1857/2024 and also in the present case. It is made clear that the report of the Medical board shall be final and binding upon the parties."

6. The respondent had applied for the post of Constable (Executive) Female in the Delhi Police Examination, 2023, pursuant to the Advertisement/Notification issued by the petitioners herein on 01.09.2023. She was, however, declared 'unfit' for appointment on 21.01.2024, by the Detailed Medical Examination ('DME') Board, on the grounds of "Rt ear TM perforation, ↓ Hearing Lt ear" and "Nystagmus in Both eyes".

7. As far as the ground of "Nystagmus" is concerned, the Review Medical Examination ('RME') Board in its examination dated 23.01.2024, after obtaining an opinion from a specialist, did not find the same to be made out. However, the RME Board, after obtaining an opinion from a specialist, declared the respondent 'unfit' for appointment on the ground of "Rt Ear TM Perforation".

8. The learned counsel for the petitioners submits that the opinions



of the DME Board and the RME Board have been interfered with by the learned Tribunal merely on the basis that other Government institutions have given divergent opinions. He submits that the same cannot be a ground for disregarding the opinion of the DME Board and the RME Board, especially when the opinion of a specialist was taken.

9. On the other hand, the learned counsel for the respondent, who appears on an advance notice, placing reliance on the Judgement of this Court in **Staff Selection Commission (Hdqs) & Anr. v. Jyoti Gupta**, 2025:DHC:2630-DB, submits that perforation in the ear is only a temporary condition, which can be easily cured, and in the present case, the respondent got herself treated at the Divya Prastha Hospital, Palam, New Delhi and got herself checked at the Deen Dayal Upadhyaya Hospital, Delhi, and is now fit. She further submits that the petitioners did not provide the respondent with enough time to cure her condition before declaring her ‘unfit’ for appointment by the Impugned RME dated 23.01.2024.

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

11. In **Jyoti Gupta** (supra), this Court held as under:

“13. It can be seen from the above that even though the respondent was found to be temporarily unfit, the entire process of medical examination was completed within a period of five days in a hasty manner, though the medical guidelines applicable to the selection process grants one month’s time to a candidate to appeal against the initial finding



of the Medical Board.

14. *In Staff Selection Commission v. Aman Singh*, 2024 SCC OnLine Del 7600, this Court has also considered the aspect of curability and sufficient time being given to the candidate for the said purpose if the rules so permit. We quote from the said judgment as under:

“10.38 In our considered opinion, the following principles would apply:

xxx

(c) The aspect of "curability" assumes significance in many cases. Certain medical conditions may be curable. The Court has to be cautious in dealing with such cases. If the condition is itself specified, in the applicable Rules or Guidelines, as one which, by its very existence, renders the candidate unfit, the Court may discredit the aspect of curability. If there is no such stipulation, and the condition is curable with treatment, then, depending on the facts of the case, the Court may opine that the Review Medical Board ought to have given the candidate a chance to have his condition treated and cured. That cannot, however, be undertaken by the Court of its own volition, as a Court cannot hazard a medical opinion regarding curability, or the advisability of allowing the candidate a chance to cure the ailment. Such a decision can be taken only if there is authoritative medical opinion, from a source to which the respondents themselves have sought opinion or referred the candidate, that the condition is curable with treatment. In such a case, if there is no binding time frame within which the Review



Medical Board is to pronounce its decision on the candidate's fitness, the Court may, in a given case, direct a fresh examination of the candidate after she, or he, has been afforded an opportunity to remedy her, or his, condition. It has to be remembered that the provision for a Review Medical Board is not envisaged as a chance for unfit candidates to make themselves fit, but only to verify the correctness of the decision of the initial Medical Board which assessed the candidate."

15. *Applying the above principle to the facts of the present case, we find that the RME was conducted almost immediately after the DME, and had declared the respondent as 'temporarily unfit' without giving sufficient time to the respondent to recover from her condition. It is also an admitted fact that the same hospital where the respondent had been referred to for a specialist opinion and which declared her as temporarily unfit, has later opined that she is fit and does not suffer from the condition for which she had been earlier declared unfit for recruitment."*

12. Applying the above ratio to the present case, we find no merit in the present petition.

13. The same, along with the pending applications, is accordingly dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 20, 2025/rv/SJ

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