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

Date of decision: 20.05.2025

+ W.P.(C) 6804/2025

STAFF SELECTION COMMISSION (HDQRS) & ANR.

.....Petitioners

Through: Mr. Rajesh Gogna, CGSC with
Ms. Priya Singh, GP, Ms.
Robina Roy, Adv.

versus

ADITYA KUMAR

.....Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 30857/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 6804/2025 & CM APPL. 30858/2025

2. This petition has been filed by the petitioners, challenging the Order dated 03.09.2024 (hereinafter referred to as, 'Impugned Order') passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred to as, 'Tribunal') in O.A. No. 3427/2024, titled ***Aditya Kumar vs. Staff Selection Commission & Anr.***, allowing the said O.A. filed by the respondent herein with the following directions:

"5. We have considered the rival contentions, we note that all the objections raised by applicants have been considered and rejected



by the Tribunal earlier. For the sake of brevity, we do not repeat them herein. However, we note that two govt institutions are giving divergent opinions on the medical fitness of the applicant. Since it is the question of employment, we feel that the applicant deserves one chance. Given the above, 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.”

3. Briefly stated, the facts giving rise to the present petition are that the respondent applied for the post of Constable (Executive) Male pursuant to the Advertisement dated 01.09.2023, issued by the petitioners herein for the recruitment of Constable (Executive) (Male and Female) in the Delhi Police, 2023.

4. The respondent successfully cleared the initial stages of the recruitment, however, the Detailed Medical Examination Board (hereinafter referred to as, ‘DME’), vide report dated 23.01.2024, declared him medically ‘unfit’ for appointment, with the following remark:

“Unfit on account of:- Discoloration over left chest”

5. Aggrieved by the above report, the respondent applied for a Review Medical Examination (hereinafter referred to as ‘RME’).

6. The RME Board referred the respondent to the Lok Nayak Hospital, New Delhi, where it was opined as under: -

‘Becker’s Nevus (L) chest Pt. counselled no active intervention needs’

7. Based on the said reports, the RME, vide its report dated



30.01.2024, declared the respondent 'unfit' for appointment on the grounds: -

'Becker's Nevus'

8. The respondent thereafter got himself examined at the Dr. Ram Manohar Lohia Hospital, New Delhi dated 31.01.2024, which opined as under: -

"Becker's Nevus"

"Present since childhood. No systemic involved as it is localised cutaneous structure examination."

9. Armed with the above report, the respondent filed the above O.A., which, as noted hereinabove, has been allowed by the learned Tribunal with the above-quoted directions.

10. The learned counsel for the petitioners submits that the opinion of the DME Board and the RME Board have been interfered with by the learned Tribunal merely on the basis of a subsequent opinion given by another Government hospital. 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.

11. We have considered the submission made by the learned counsel for the petitioner.

12. At the outset, we may note that the present petition has been filed with a delay of around seven 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 twelve weeks of the said Impugned Order. The petitioners



have been unable to explain the delay in filing the present petition. The petition is, therefore, liable to be dismissed on the ground of delay and laches alone.

13. Even otherwise, on the merits of the petition, we find no case is made out by the petitioners in challenge to the Impugned Order.

14. 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."*

(emphasis supplied)

15. A reading of the above would show that the RME Board has to opine as to whether the defect/deformity in question is likely to render the candidate 'unfit' for the duties of a particular branch of service in which he/she is desirous of being enrolled. Reference in this regard can be drawn also to the Judgment of this Court in ***Staff Selection Commission and Ors. vs. Ravi***, 2024 SCC OnLine Del 8048.

16. Furthermore, in ***Staff Selection Commission & Ors. vs. Aman Singh***, 2024 SCC Online Del 7600, this Court, while summarising the principles that would be applicable in cases of recruitment to disciplined Forces and medical standards applicable thereto, has stated that a specialist opinion if sought by the RME cannot be disregarded without due consideration and reasoning being provided for the



same. It has opined that:

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

xxx

(iv) The situations in which a Court can legitimately interfere with the final outcome of the examination of the candidate by the Medical Board or the Review Medical Board are limited, but well-defined. Some of these may be enumerated as under:

xxx

(d) Where the Medical Board, be it the DME or the RME or the Appellate Medical Board, itself refers the candidate to a specialist or to another hospital or doctor for opinion, even if the said opinion is not binding, the Medical Board is to provide reasons for disregarding the opinion and holding contrary to it. If, therefore, on the aspect of whether the candidate does, or does not, suffer from a particular ailment, the respondents themselves refer the candidate to another doctor or hospital, and the opinion of the said doctor or hospital is in the candidate's favour, then, if the Medical Board, without providing any reasons for not accepting the verdict of the said doctor or hospital, nonetheless disqualifies the candidate, a case for interference is made out. ... ”

17. Applying the abovementioned ratio to the present case, we find that the Dermatologist report relied upon by the RME, while highlighting the existence of ‘Becker’s Nevus (L) chest’, also went on to opine that the same did not require any active intervention. The RME, thereafter declared the respondent ‘unfit’ for appointment on the ground of ‘Becker’s Nevus chest’, without commenting on latent



nature of the deformity and the effect thereof, if any, on the ability of the respondent to render services if appointed to the post.

18. Given the above, and the precedents set by this Court in **Ravi** (supra) and **Aman Singh** (supra), the present petition, along with the pending application, is accordingly, dismissed.

19. However, we make it clear that in the case of the fresh Review Medical Board examination, the respondent is again found to be 'unfit' for an appointment for any of the reasons given by the RME, the result of the said report shall be binding on the respondent and there shall be no challenge thereto.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 20, 2025

my/DG/K

Click here to check corrigendum, if any