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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 26.05.2025

+ W.P.(C) 7302/2025
UNION OF INDIA & ORS.Petitioners

Through: Mr. Rajesh Gogna, CGSC,
Ms. Priya Singh GP and Ms.
Rebina Rai. Advs

versus

DINESH CHANDRARespondent

Through: Nemo

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

NAVIN CHAWLA, J. (Oral)

CM APPL.32889/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 7302/2025 & CM APPL.32890/2025

2. This petition has been filed by the petitioners, challenging the Order dated 17.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 895/2024, titled ***Dinesh Chandra v. Union of India & Ors.***, allowing the said O.A. filed by the respondent herein with the following directions:

"5. 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 978/2024 at any other government hospital other than the hospitals wherein his Detailed Medical Examination as well as the Review Medical Examination were conducted.”

3. The respondent had applied for the post of Constable (Executive) Male in the Delhi Police Examination, 2023, pursuant to the Advertisement/Notification issued by the petitioners herein on 01.09.2023. He was, however, declared ‘*unfit*’ for appointment on 23.01.2024, by the Detailed Medical Examination (‘DME’) Board, on the grounds of “*Distant Vision 6/18 BE*”, “*Hypertension*” and “*Tattoo on Right Forearm*”.

4. The Review Medical Examination (‘RME’) Board on 01.02.2024, after taking an opinion from an Ophthalmologist and a Cardiologist, declared the respondent ‘*fit*’ for “*Distant Vision 6/18 BE*” and “*Hypertension*”, however, found him “*unfit*” for appointment on the ground of “*Tattoo over ventral aspect of Right forearm (Saluting Hand)*”.

5. The respondent, before the learned Tribunal, claimed to have gotten himself surgically corrected at Deen Dayal Upadhyay Hospital, New Delhi and got his tattoo removed, subsequent to which he submitted a representation, however, there was no response from the petitioners, which led him to file the above O.A.

6. The learned Tribunal, taking note of the fact that in other cases the petitioners had been directed to have a re-Review Medical Examination of the respondents conducted, passed the above



quoted directions.

7. At the outset, we must note that the learned Tribunal should not simply keep following its earlier orders, which were passed in the peculiar facts of those cases. It must consider the case of each applicant on its own merits.

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 medical institutions have given divergent opinions. He submits that the same cannot be a ground for disregarding the opinions of the DME Board and the RME Board, especially when the opinions of specialists were taken.

9. We have considered the submissions of the learned counsel for the petitioners.

10. At the outset, we would first note that the present petition challenges the Order dated 17.09.2024, wherein the learned Tribunal had directed that the respondent be allowed to appear for the re-Review Medical Examination to be conducted by the petitioners. It is, however, pertinent to note that the present petition has been filed by the petitioners on or about 20.05.2025, that is, after much delay and without giving any explanation for such delay. The petition, insofar as it relates to a recruitment process is, therefore, belated and liable to be dismissed on the ground of delay and laches.

11. Be that as it may, we have also considered the claim of the petitioners on merits.

12. It is admitted that the DME Board, *vide* Report dated 23.01.2024, had declared the respondent '*unfit*' on the grounds of



“Distant Vision 6/18 BE”, “Hypertension” and “Tattoo on Right Forearm”. The respondent thereafter applied for the RME and was referred for Specialist opinions from an Ophthalmologist and a Cardiologist, who declared him ‘fit’ on the grounds of “Distant Vision 6/18 BE” and “Hypertension”, respectively. Thereafter, the respondent was declared ‘unfit’ for “Tattoo over ventral aspect of Right forearm (Saluting Hand)”.

13. It was the case of the respondent before the Tribunal that he got the tattoo removed by way of surgery in just one day, and on 19.02.2024, he got himself examined at the Deen Dayal Upadhyay Hospital, New Delhi, where, after a detailed examination, no tattoo was found over his right forearm. The said OPD Card of the respondent reads as under:

*“H/o wound on flexural aspect of rt forearm
(post trauma)
No discharge at present
Non tender
Resolving”*

14. The relief of a re-medical examination has been granted by this Court in **Shubham Sharma v. Union of India**, 2022 SCC OnLine Del 3726 and **Nihal Singh v. Union of India**, 2023 SCC OnLine Del 3264, after the petitioners therein either got their tattoos removed or were willing to get their tattoos removed.

15. In the present case as well, though the respondent had a tattoo on his right forearm, he could have been given an opportunity to have the same removed. This Court also finds from the RME dated 01.02.2024 that barring the said tattoo, there were no other defect



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found in the case of the respondent. In fact, the other defects for which the DME rejected the candidature of the respondent were not found to be correct. Applying the ratio of the above cases, we do not find any reason to interfere with the final direction issued by the learned Tribunal in the Impugned Order.

16. Accordingly, the petition is dismissed. The pending application also stands disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 26, 2025/VS

Click here to check corrigendum, if any