



2025:DHC:4576-DB



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

Date of decision: 28.05.2025

+ W.P.(C) 7618/2025
DELHI POLICE & ANR.Petitioners

Through: Mr.Vijay Joshi, Adv.

versus

PARAMJEETRespondent

Through: Mr.Anil Singal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 34008/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 7618/2025 & CM APPL. 34007/2025

2. This petition has been filed by the petitioners challenging the Order dated 03.03.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.1461/2019, titled ***Paramjeet v. Delhi Police Through Commissioner of Police & Anr.***, allowing the O.A. filed by the respondent herein with the following direction:

"8. In view of the medical board's advisory, the respondents are directed to conduct a Review Medical Board examination of the applicant. If the applicant is found fit, he shall be considered for appointment to the post of Constable as per his merit position, with



notional benefits but without back wages. This exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.”

3. The respondent had applied for the post of Constable (Executive) in the Delhi Police in the year 2016. He was provisionally selected, subject to medical fitness. However, he was declared medically ‘*unfit*’ for appointment by the Detailed Medical Examination Board on account of him suffering from ‘*Mixed Hearing Loss*’.
4. The respondent applied for a review medical examination, and the Review Medical Examination Board referred him to the Lok Nayak Hospital for an examination and report.
5. The Lok Nayak Hospital also reported that he was suffering from ‘*Mixed Hearing Loss*’. Based on the said report, the RME declared him ‘*unfit*’ for appointment and the petitioners issued a Show-Cause Notice dated 12.02.2019 to the respondent asking him to explain why his candidature should not be cancelled.
6. The candidature of the respondent was eventually cancelled by the Order dated 07.03.2019, which came to be challenged by the respondent before the learned Tribunal by way of the above O.A.
7. As noted hereinabove, the learned Tribunal, after seeing the medical records, has allowed the O.A. filed by the respondent with the above-quoted directions.
8. The learned counsel for the petitioners submits that the learned Tribunal has erred in passing the above direction of setting aside the consistent reports of the Medical Boards. He submits that the RME



had also taken the opinion from the Lok Nayak Hospital which had also declared that the respondent suffers from ‘Mixed Hearing Loss’.

9. Placing reliance on Rule 24 and the Appendix-XXX of Delhi Police (Appointment & Recruitment) Rules, 1980, he submits that the respondent had been rightly considered ‘unfit’ for appointment and his candidature cancelled by the petitioners.

10. We have considered the submissions made by the learned counsel for the petitioners. However, we find no merit in the same.

11. The learned Tribunal, before allowing the above O.A. filed by the respondent, had examined the medical records produced by the petitioners, and opined as under:

“6. Upon perusal of the findings of the medical board, we note that while the medical board physically examined the applicant’s ear, no audiometry test was conducted. Interestingly, the physical examination revealed a gap in the left eardrum. Although the medical board opined that the applicant was unfit for the post of Constable, it also advised him to undergo surgery, followed by a review through exploratory tympanotomy.”
(Emphasis Supplied)

12. Admittedly, the respondent was not given a chance to undergo a surgery nor was there a categorical opinion of the Lok Nayak Hospital that the respondent, because of the above condition, is ‘unfit’ for appointment to the post of Constable (Executive) as he shall not be able to perform the duties of that post.

13. Rule 24 (2) and (3) of the Rules, which have been relied upon by the learned counsel for the petitioners, read as under:

“(2) The medical examination shall be



conducted in accordance with the instructions contained in Appendix-XXX. The medical officer shall test the eye sight, speech and hearing of the candidate, his freedom from physical effects, organic or contagious disease, his age or any other defects of tendency **likely to render him unfit for police service. Candidate shall be rejected for any disease or defect likely to render them unfit for the duties of a police officer at any stage.**

(3) The appointing authority may themselves reject candidates whose general standards of physique and intelligence are not satisfactory. Only those candidates shall be sent for medical examination who measure upto the requisite physical standards ... ”

(Emphasis supplied)

14. A reading of Rule 24(2) would show that a candidate can be rejected for any defect which is likely to render him/her unfit for the duties of a police officer at any stage. An opinion to this effect has to be formed keeping in view the entire circumstances.

15. Appendix XXX of the Rules relied upon by the learned counsel for the petitioners reads as under:

“... Para (c) Neither speech nor hearing is defective.

No recruit will be enlisted who suffers from deafness ”

16. From the above, it would be apparent that it is the complete deafness which is a ground for rejection. In the present case, it is not the case of the petitioners that the respondent was completely deaf.

17. In **Staff Selection Commission & Ors. v. Aman Singh**, 2024 SCC OnLine Del 7600, this Court, while examining similar issues, has laid down the parameters on which the medical opinions of the Board constituted by the petitioners are to be tested. Two of the important



conditions laid down by this Court are as under:

“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.

(e) Similarly, if the Medical Board requisitions specialist investigations such as radiographic or ultrasonological tests, the results of the said tests cannot be ignored by the Medical Board. If it does so, a case for interference is made out.”

18. Admittedly, as also noted by the learned Tribunal in the Impugned Order, there was no audiometry test or examination by an ENT specialist that was conducted for the respondent herein. Furthermore, even the RME Board in its own report advised surgery



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followed by a review *via* an exploratory tympanotomy, reflecting perhaps the curable nature of the deformity in question.

19. While there can be no doubt on the proposition of law that consistent view of the Medical Board and the Review Medical Board requires, and is to be accorded, due recognition and cannot be interfered with in a casual manner, especially keeping in view the fact that the Courts are not medical experts, at the same time, where the Medical Board has not opined on the curability of the deformity in question, let alone its likeliness to interfere with performance of duties of the candidate, and has not even sought the opinion of an expert, as is required in the present case, the candidate would require a further examination.

20. Therefore, we find no reason to interfere with the Impugned Order.

21. The petition along with the pending application is, accordingly, dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 28, 2025/sg/VS

Click here to check corrigendum, if any