



2025:DHC:4727-DB



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

Date of decision: 30.05.2025

+ W.P.(C) 8066/2025

STAFF SELECTION COMMISSION AND ORSPetitioners

Through: Mr. Prem Shankar Singh,
CGSC.

versus

DHARM VEER

.....Respondent

Through: *Nemo.*

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 35305/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 35306/2025

2. For the reasons stated in the application, the delay of 150 days in filing the petition is condoned.

3. The application stands disposed of.

W.P.(C) 8066/2025 & CM APPL. 35304/2025

4. This petition has been filed by the petitioners, challenging the Order dated 03.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A No. 3423/2024, titled ***Dharm Veer vs. Staff Selection Commission & Ors.***, allowing the said OA filed by the



respondent herein with the following direction:

“We have considered the rival contentions, we note that all the objections raised by the applicants have been considered and rejected by the Tribunal earlier. For the sake of brevity, we do not repeat 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.”

5. 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 20.01.2024, by the Detailed Medical Examination (‘DME’) Board, on the grounds of “*B/L thickening LP angle*” and “*Fibrotic infiltration are seen in Rt. Apical*”.

6. Subsequently, the Review Medical Examination (‘RME’) Board in its examination dated 30.01.2024, declared the respondent ‘*unfit*’ for appointment on the ground of “*Fibrocalcific nodules Rt lower lobe lymph nodes in pretracheal, hillar region spirometry suggested moderate dusmiton*”.

7. The learned CGSC for the petitioner submits that the findings of the DME and RME were based on a clinical assessment of the respondent by way of an X-Ray and later a HRCT scan, pursuant to the recommendation for the same by a Pulmonologist. He submits that



these scans consistently found the presence of fibrotic infiltration in the right lung of the respondent. He states that these reports could not have been interfered with by the learned Tribunal in a casual manner based on the report of another hospital that has been produced by the respondent.

8. We have considered the submissions made by the learned CGSC for the petitioners.

9. In the present case, while a Pulmonologist had recommended an HRCT scan to be conducted and the same was duly carried out, there is nothing on record to show that the Pulmonologist was consulted thereafter to opine on the findings of this examination report. Solely based on the HRCT Report of the Radiologist, the respondent could not have been declared medically 'unfit' by the RME, which did not consist of a Specialist.

10. Given the above facts, we do not find a case to be made out for interfering with the direction issued by the learned Tribunal.

11. However, as we have found that the only lacuna was that the reports had not been shown to a Pulmonologist and no opinion was taken from the Pulmonologist on the medical fitness of the respondent for appointment, there is no need for a complete re-medical examination of the respondent. The medical reports of the respondent shall be placed before a Pulmonologist, and the opinion of said the Pulmonologist shall be obtained on the medical fitness of the respondent for appointment to the post applied for by the respondent. Based on the said report, further action shall be taken by the



2025:DHC:4727-DB



petitioners. The entire exercise be completed within a period of three weeks from today.

12. Sufficient advance notice for the respondent to make himself present along with his own medical reports before the Pulmonologist, shall be given by the petitioners to the respondent.

13. The petition along with the pending application is disposed of with the above directions.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 30, 2025

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Click here to check corrigendum, if any