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

Date of decision: 09.07.2025

+ W.P.(C) 9404/2025, CM APPL. 39688/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Vijya Chandra Joshi, Mr.
Kuldeep Singh, Mr. Shubham
Chaturvedi, Advs.

versus

ANJANI BANA

.....Respondent

Through: Mr. Setu Niket, 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. 39689/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 9404/2025

2. The present petition has been filed challenging the Order dated 22.01.2025 passed by the learned Central Administrative Tribunal (hereinafter referred as '*the Tribunal*') in O.A. No. 267/2025 titled as ***Anjani Bana v. Union of India & Ors.*** (hereinafter referred as '*O.A.*'), allowing the said O.A. filed by the respondent herein with following directions;

"8. Considering the submissions and the material placed on record, we are of the



opinion that the applicant deserves one more opportunity to establish her medical fitness. In light of the decision of the Hon'ble High Court and the medical certificates issued by specialist orthopedic departments in her favor, it would be appropriate to direct the respondents to conduct a third Review Medical Board examination.

9. The third Review Medical Board shall include at least one orthopedic specialist as a member and shall examine the applicant afresh. This examination shall be conducted within a period of three months from the date of receipt of a certified copy of this order. If the findings of the third Review Medical Board are in favor of the applicant, her candidature shall be processed in accordance with the law."

3. The facts giving rise to the present petition are that the respondent had applied for the post of Constable (Executive) (Female) pursuant to the recruitment exercise initiated in the year 2023. The respondent herein cleared the Computer based Examination, and the Physical Endurance & Measurement Test (PE&MT). However, during the Detailed Medical Examination (hereinafter referred as 'DME') conducted on 04.02.2024, she was declared unfit for appointment with the following remark;

*"19. Unfit on account of Right arm carrying angle more than 20 degree
Right cubitus valgus, hence, UNFIT."*

4. Aggrieved by this, she applied for a Review Medical Examination. The Review Medical Board (hereinafter referred as 'RME') referred the respondent to one Janta X-Ray Clinic Pvt. Ltd., which, in its report dated 05.02.2024, reiterated that the respondent had a carrying angle on the right side of 22 degrees while on the left



side was 20 degrees. The carrying angle of the Right Limb not being within the permissible limit, the respondent was declared unfit for appointment by the RME *vide* its report dated 06.02.2024.

5. The respondent claims to have got herself examined at the Department of Orthopedics, Lady Hardinge Medical College & Hospital, on 09.01.2025, as well as at Dr. Ram Manohar Lohia Hospital on the same day. Both the hospitals reported that her carrying angle was less than 15 degrees, and she does not suffer from any infirmity in the elbow, nor was there any evidence of Cubitus valgus.

6. Armed with the above reports, the respondent approached the learned Tribunal by way of the above O.A.

7. The learned Tribunal allowed the same, noting that in the DME or in the RME, there was no specialist Orthopedic present. In this regard the learned Tribunal placed reliance on the Judgment of this Court in ***Staff Selection Commission v. Aman Singh***, 2024 SCC OnLine Del 7600, wherein a co-ordinate Bench of this Court has explained these principles as under:

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

XXX

(c) If the condition is one which requires a specialist opinion, and there is no specialist on the Boards which have examined the candidate, a case for interference is made out. In this, however, the Court must be satisfied that the condition is one which requires examination by a specialist. One may differentiate, for example, the existence of a haemorrhoid or a skin lesion which is apparent to any doctor who sees the candidate, with an internal orthopaedic deformity, which may require radiographic



examination and analysis, or an ophthalmological impairment. Where the existence of a medical condition which ordinarily would require a specialist for assessment is certified only by Medical Boards which do not include any such specialist, the Court would be justified in directing a fresh examination of the candidate by a specialist, or a Board which includes a specialist. This would be all the more so if the candidate has himself contacted a specialist who has opined in his favour.”

8. The learned counsel for the petitioner submits that the learned Tribunal has erred in its finding, inasmuch as the report of the RME was based on the Sonogram report, which clearly reflected that the carrying angle of the respondent's right arm was 22 degrees, that is, beyond the permissible limit. He submits that the reliance cannot be placed on even the government hospital reports to challenge the findings of the RME.

9. On the other hand, the learned counsel for the respondent, relying on the Judgment in **Aman Singh** (supra), reiterates that the presence of an orthopedic specialist was essential before declaring the respondent unfit for appointment on ground of Cubitus valgus and of the carrying angle being above the permissible limit. She further submits that in the present case, not one but two government hospitals have opined that the carrying angle of the respondent's right arm is within the permissible limits and is in fact below 15 degrees.

10. She further submits that the DME did not conduct any clinical study before declaring the respondent unfit. Even the RME had not



referred the respondent to a government hospital but rather referred her to a private clinic for measurement of the carrying angle, raising concerns about the reliability of that report. The respondent was therefore, deprived of the opportunity to challenge the said report.

11. We have considered the submissions made by the learned counsel for the parties.

12. In the present case, the DME does not appear to have conducted any clinic examination of the respondent before declaring her unfit for appointment on the ground that the carrying angle of the right hand of the respondent exceeds the permissible limit. It does not, in fact, record the exact measurement of the carrying angle. Aggrieved thereby, the respondent approached the RME. The RME did not consist of a specialist orthopedic. It referred the respondent to a private clinic. Based on the report of the private clinic, against which the respondent had no opportunity to challenge and raise objections, the respondent was declared unfit. The respondent is today armed with reports from the Lady Hardinge Medical College & Hospital and Dr. Ram Manohar Lohia Hospital.

13. In normal circumstances, we would not have interfered with the findings of the RME. However, in peculiar facts of the present case, we find that the respondent deserves one more opportunity to prove her fitness. We, therefore, while exercising our powers under Article 226 of the Constitution of India, do not find any reason to interfere with the directions issued by the learned Tribunal.



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14. In view of the above, the present petition, along with pending applications, if any, is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 9, 2025

Pallavi/my/VS