



2025:DHC:2944-DB



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

Date of decision: 25.04.2025

+ W.P.(C) 14470/2024 & CM APPL. 60656/2024
GOVT OF NCT OF DELHI & ANR.Petitioners

Through: Mr.Premtosh K. Mishra
CGSC, Mr.Manish Vashist,
Ms.Sanya Kalsi, Advs.

versus

ANKIT KUMARRespondent

Through: Mr.Rajesh Chauhan, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 31.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned Tribunal') in OA No. 2017/2024 titled ***Ankit Kumar vs. Govt. of NCT of Delhi and Ors.***

2. The learned Tribunal by the Impugned Order has directed the petitioners to have a re-medical examination of the respondent carried out by a Medical Board which should consist of a specialist in the subject.

3. Briefly stating the facts, the respondent had applied for the post of Constable (Executive) (Male) pursuant to the Advertisement dated 01.09.2023 issued by the petitioners for the recruitment to the said post.

4. Having cleared the initial stages of selection, the respondent



appeared before the Detailed Medical Examination (DME) Board, which declared the respondent 'unfit' for appointment finding that the respondent suffered from "*Left Arm Carry Angle 24°*".

5. Aggrieved of the above report, the respondent applied for the Review Medical Examination (RME).

6. In the RME, the respondent was again declared 'unfit' for appointment with remarks "*carrying angle left 24°*".

7. Aggrieved of the same, the respondent approached the learned Tribunal in form of the above OA, which was allowed by the learned Tribunal by its Order dated 31.05.2024.

8. The petitioners have challenged the Impugned Order of the learned Tribunal stating that the learned Tribunal has erred in interfering with the consistent opinion of the Medical Experts in the DME and RME with respect to the unfitness of the respondent due to the Carrying Angle of his Left Hand. The learned counsel for the petitioners submits that these reports could not have been interfered with by the learned Tribunal in a casual manner based on the reports of subsequent government hospitals as had been produced by the respondent.

9. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, submits that the Medical Boards did not consist of an Orthopedic Specialist who could have opined if the condition suffered by the respondent would in any manner hamper his performance of duties. In support of his plea, he places reliance on the Judgment of this Court in ***Staff Selection Commission and Ors. vs. Aman Singh***, 2024 SCC OnLine Del 7600. He further submits that, in fact, the respondent got himself medically examined subsequently from the District Hospital, Hajipur, and from Nehru



Hospital BRD Medical College, Gorakhpur, Uttar Pradesh, which declared the respondent “*Examined and found clinically fit but carrying angle appears to be minimal*” and that the respondent was Carrying Angle “*Lt. 19° and Lt. 20°*”.

10. We have considered the submissions made by the learned counsels for the parties.

11. At the outset, we would reiterate the general principles that are applicable while considering a challenge to the Reports of the medical experts in a recruitment process. The opinion of the Medical Boards, which consists of experts in the field, should not be lightly interfered with by the Court/Tribunal. However, this Court in **Aman Singh** (supra) also emphasized on the presence of a specialist in the Medical Board or for opinion of a specialist to be taken by the Medical Board before declaring a candidate as ‘unfit’ for appointment on account of certain conditions 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.”

(emphasis supplied)

12. As is evident from the above, one of the principles laid down by this Court is that for certain conditions, in case the DME or the RME does not consist of a subject expert, the candidate should be referred to the expert in the field for obtaining an opinion on the medical fitness of the candidate for certain conditions which may require thorough examination.

13. In the present case, admittedly, the DME or the RME did not consist of an Orthopedic Specialist. We are not the experts who can opine whether the condition suffered by the respondent would in any manner affect the performance of his duties. It is for a specialist to opine on the same.

14. Accordingly, we find no infirmity in the Impugned Order passed by the learned Tribunal.

15. The petition alongwith the pending application is accordingly dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 25, 2025/Arya/ik

Click here to check corrigendum, if any