



2025:DHC:435-DB



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

***Date of decision: 24.01.2025***

+ W.P.(C) 16598/2024 & CM APPL. 70162/2024

CHITRA SHARMA

.....Petitioner

Through: Mr. Praful Shukla, Adv.

versus

UNION OF INDIA THROUGH THE SECRETARY HOME  
DEPARTMENT MINISTRY OF HOME AFFAIRS & ORS.

.....Respondents

Through: Mr. Abhishek Saket, CGSC  
with Mr. Ajaypal, Law Officer,  
Mr. Shiv Kumar Singh-SI, Mr.  
Sanjeev Kr. Singh-ASI & Mr.  
Rajesh Kr. Singh, CRPF.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**NAVIN CHAWLA, J. (ORAL)**

1. The learned counsel for the respondents has prayed for further time to file the counter affidavit.
2. On 02.12.2024, this Court had passed the following order:

*"3. This petition has been filed by the petitioner challenging the findings of the Review Medical Examination Board (RMEB) for the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, and Rifleman (GD) in Assam Rifles Examination, 2024, which declared the petitioner unfit for*



*appointment to the post of Constable (GD) in the Physical Standard Test (PST) and Physical Efficiency Test (PET) on account of presence of a small cyst over the upper lid of the left eye.*

4. *The learned counsel for the petitioner submits that mere presence of a small cyst over the upper lid of the left eye could not have resulted in the disqualification of the petitioner. He further submits that the said cyst was later removed and the petitioner has been declared medically fit for appointment by the Rajiv Gandhi Government General Hospital, Alwar. He submits that even the Review Medical Examination Board had opined that further evaluation was required, however, in haste, proceeded to declare the petitioner as unfit for appointment.*

5. *The learned counsel for the petitioner fairly discloses that the petitioner before approaching this Court had also filed a writ petition, being S.B. Civil Writ Petition No. 17309/2024, before the High Court of Judicature for Rajasthan. The learned Single Judge of the High Court vide its Order dated 20.11.2024, on the question of maintainability of the said petition due to lack of territorial jurisdiction of the Court, referred the matter to the Division Bench for consideration. He submits that the petition has thereafter not yet been listed before the Division Bench. The learned counsel for the petitioner, on instructions, undertakes that the petitioner shall be withdrawing the above said writ petition, as it is conceded that the territorial jurisdiction to entertain the same would vest in this Court.*

6. *Issue notice. Learned counsel accepts notice on behalf of the respondents. Learned counsel prays for time to seek instructions.*

7. *Having considered the fact that the petitioner has been declared unfit for appointment only for the presence of a small cyst over upper lid of the left eye, and that the*



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*Review Medical Examination Board itself had opined that further diagnostic evaluation was required, however, without undertaking the same, declared the petitioner unfit for appointment, we are of the opinion that the respondents must keep one post of Constable (GD) vacant, in case, the petitioner succeeds in this petition.*

8. *Keeping in view that we have directed a seat of Constable (GD) to be kept vacant by way of an interim Order, we direct the respondents to file a short affidavit of its stand within a week from today."*

3. In spite of opportunity granted, the respondents have not filed the short affidavit. We do not consider it appropriate to grant further opportunity to the respondents to file the same as delay in such matters only leads to further complications in the later part of service career of the candidate and the batchmates of the candidate concerned.

4. For the reasons that have been recorded hereinabove and as the petitioner has already applied for withdrawing the petition before the High Court of Rajasthan, we direct that the petitioner be re-examined at the Army (R&R) Hospital for determining her medical fitness for appointment to the post of Constable (GD) in the Central Armed Police Forces (CAPFs), SSF, and Rifleman (GD) in Assam Rifles Examination, 2024.

5. We request the Medical Superintendent, Army (R&R) Hospital to appoint a Medical Board, especially keeping in view the condition for which the petitioner was earlier declared unfit for appointment, that is a cyst over the upper lid of the left eye, and also the relevant Medical Guidelines applicable to the petitioner for selection to the



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abovementioned post.

6. Let the process of the medical re-evaluation of the petitioner be completed within a period of three weeks from today.

7. In case the petitioner is found fit for appointment, the further process of selection of the petitioner to the post of Constable (GD) be undertaken by the respondents. In case the petitioner is found unfit for appointment, an order of rejection shall be passed by the respondents.

8. The petition is disposed of with the above direction.

**NAVIN CHAWLA, J**

**MANOJ JAIN, J**

**JANUARY 24, 2025/ab/SJ**

*Click here to check corrigendum, if any*