



2025:DHC:3653-DB



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

Date of decision: 08.05.2025

+ W.P.(C) 16649/2024 & CM APPLs. 70427/2024, 70429/2024
STAFF SELECTION COMMISSION & ANR.Petitioners

Through: Mr. Syed Abdul Hasseb, CGSC

versus

KHABBAB

.....Respondent

Through: Ms. Esha Mazumdar and Mr.
Setu Niket, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE MANOJ JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 27.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'learned Tribunal') in O.A. No. 762 2024, titled ***Khabbab v. Staff Selection Commission & Anr.***, allowing the said O.A. filed by the respondent herein with the following directions:

*" 5. In the conspectus of things, we find that the facts in the present case and the ones in the aforesaid OA are similar, in all fours. Accordingly, the instant OA is also disposed of on the same analogy. Respondents are hereby directed to comply with the aforesaid directions (OA No. 519/2024 – **Teekaram Singh Meena vs. SSC and Ors.**) within twelve weeks from the date of receipt of a certified copy of this order."*



2. Briefly stated, the facts giving rise to the present petition are that the respondent had applied for the post of Constable (Executive) Male, pursuant to the advertisement dated 01.09.2023 issued by the petitioners herein for the recruitment of Constable (Executive) (Male and Female) in the Delhi Police, 2023.

3. The respondent successfully cleared the initial stages of the recruitment, however, he was declared 'unfit' for appointment to the said post by the Detailed Medical Examination Board (in short, 'DME'), vide its report dated 20.01.2024, on the following grounds:

"Distant Vision 6/12 BE, Stammering and Abnormal X-Ray Chest."

4. Aggrieved thereby, the respondent applied for a Review Medical Examination (in Short, 'RME') and the RME, vide report dated 25.01.2024, declared the respondent 'unfit' for appointment on the following grounds:

- "1. Distant Vision 6/12 B/E*
- 2. Stammering*
- 3. Abnormal X-Ray Chest"*

5. The respondent thereafter got himself examined at the Government Hospital, where he was declared 'fit'. Armed with the said report the respondent approached the learned Tribunal.

6. The learned Tribunal, vide the Impugned Order, directed the petitioners herein to conduct a fresh medical examination of the respondent. Aggrieved by the same, the petitioners have filed the present petition.

7. The learned counsel for the petitioners submits the RME, consisting of senior doctors has found the respondent suffering from



‘Distant Vision 6/12 BE, Stammering and Abnormal X- Ray Chest’ and, therefore, rightly declared the respondent ‘unfit’ for appointment. He submits that the said finding cannot be ignored. He submits that the learned Tribunal has erred in disregarding, based only on conjectures and surmises, the opinion of the medical experts. In support he places he places reliance of the Judgment of this Court in ***Govt. of NCT of Delhi & Anr. v. Dharmesh Kumar***, 2025:DHC:436-DB.

8. On the other hand, the learned counsel for the respondent submits that once the respondent had been referred to a specialist, and the opinion of the specialist was that inspite of the condition of the respondent, the respondent was ‘fit’ to perform her duties, the petitioners/Review Medical Examination Board could not have declared the respondent ‘unfit’ for appointment. She places reliance on the Judgment of this Court in ***Staff Selection Commission & Ors. v. Aman Singh***, 2024 SCC OnLine Del 7600

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

10. At the outset, we would first note the relevant stipulation in the Advertisement as far as the medical fitness of a candidate is concerned.

11. Clause 13.1 of the Advertisement, which deals with the same is reproduced hereinunder:

“13. Medical Standard:

*13.1 The candidates should be in sound state of health, free from defect/ deformity/ disease, **vision 6/12 without glasses both eyes**, free from colour blindness and without any*



*correction like wearing glasses or surgery of any kind to improve visual acuity. Free from defect, deformity or disease **likely to interfere with the efficient performance of the duties.** No relaxation is allowed/ permissible to any category of candidates on this count.”*
(Emphasis supplied)

12. A reading of the above would show that the candidate must have vision of 6/12 without glasses in both eyes. The respondent had met this standard and therefore, the report of the DME and the RME, in so far as it declares the respondent unfit for appointment on account of his vision, is completely perverse and cannot be sustained.

13. Clause 13.1 further states that the candidate must be free from defect, deformity or disease “*likely to interfere with the efficient performance of the duties*”. Therefore, an opinion must also be formed by the DME and the RME if the deformity with which the candidate suffers, is likely to interfere with the efficient performance of the duties by such candidate if appointed.

14. In the present case, the respondent was found to suffering from *stammering*. It was for the DME and the RME to determine if the same is likely to interfere with the efficient performance of the duties. It should also have been determined if the above condition was merely because of the pressure of appearing before a Medical Board or as it colloquially called the ‘*white coat syndrome*’ or is there an underlying issue with the respondent. The petitioner had not been able to show if the above exercise was done by either the DME or the RME.



15. As far as the finding of the RME based on the CECT Chest Report is concerned, it needs to be emphasised that the CECT Chest Report is dated 24.01.2024. Thereafter, the Composite Hospital, CRPF, referred the respondent to MOPD for a checkup and opinion. It is not shown to us by the petitioners, if this exercise was done and an opinion of the specialist taken before declaring the respondent unfit for appointment only on the basis of the CECT Chest Report.

16. In **Aman Singh** (supra), this Court, while summarizing the principles that would be applicable in cases of recruitment to disciplined Forces and medical standards applicable thereto, has, *inter alia*, opined that where the DME or the RME does not contain a domain expert and the candidate is referred to a specialist, the candidate cannot be declared unfit for appointment without such expert report. We quote the relevant guideline laid down by this Court, 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

(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.

(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."

17. In view of the above, we find no merit in the present petition. The same, along with the pending application are accordingly dismissed.

18. However, we make it clear that in the case of the fresh Review Medical Board examination, the respondent is again found to be 'unfit' for an appointment for any of the reasons given by the RME, the result



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of the said report shall be binding on the respondent and there shall be no challenge thereto.

NAVIN CHAWLA, J

MANOJ JAIN, J

MAY 8, 2025/DG

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