



\$~1

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

+ **W.P.(C) 78/2025 and CM APPL. 253/2025 –Stay**

STAFF SELECTION COMMISSION & ORS.Petitioners
Through: Mr. Chiranjiv Kumar and Mr. Mukesh
Sachdeva, Advocates.

versus

LOKESHRespondent
Through: Ms. Esha Mazumdar, Mr. Setu Niket,
Ms. Unni Maya S. and Mr. Devansh
Khatter, Advocates.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

% **ORDER**
22.01.2025

CM APPL.254/2025 –Exemption

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 78/2025

3. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 22.04.2024 passed by the learned Central Administrative Tribunal ('Tribunal'), Principal Bench, New Delhi in O.A. 746/2024. Vide the impugned order, the learned Tribunal has allowed the original application preferred by the respondent/applicant in terms of its order in O.A.597/2024 titled *Deepak Yadav vs. Staff Selection Commission & Ors.*



4. Learned counsel for the petitioners fairly submits that the decision in *Deepak Yadav* (supra) was assailed before a Co-ordinate Bench of this Court by way of a writ petition titled *Staff Selection Commission vs. Deepak Yadav (2024) 4 SCC OnLine Del 5162* wherein the Court, after physically examining the candidate concerned, arrived at a conclusion that there was no visible tattoo on his right forearm and therefore, on 24.07.2024 the Court had rejected the challenge by the Staff Selection Commission to the Tribunal's order. Furthermore, the Co-ordinate Bench has already rejected the challenge of the petitioner to similar directions issued by the Tribunal for getting the candidate medically re-examined by a 'Three-Member' Medical Board in W.P. (C) No.17889/2024 titled *Staff Selection Commission and Ors v. Sanjay Kumar*.

5. In the light of the aforesaid once an identical challenge by the petitioner on the same issue stands rejected, we find no reason to interfere with the impugned order.

6. At this stage, learned counsel for the petitioners assures the Court that the medical examination of the respondent in terms of the impugned order will be conducted expeditiously.

7. The writ petition, being meritless, is accordingly, dismissed with the accompanying application in terms of order dated 09.01.2025 passed in W.P.(C) No. 17889/2024.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 22, 2025/uk