



2025:DHC:7326-DB



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

Date of decision: 25.08.2025

+ W.P.(C) 596/2025 & CM APPL. 2790/2025, CM APPL. 2791/2025, CM APPL. 2793/2025
STAFF SELECTION COMMISSION & ORS. ...Petitioners

Through: Ms. Iram Majid, CGSC with
Mr. Mohd. Suboor, Adv.

versus

MOHIT KUMARRespondent
Through: Ms. Esha Mazumdar, Mr.
Devansh Solanki and Mr. Setu
Niket, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 11.03.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.1016/2024, titled ***Mohit Kumar v. Staff Selection Commission and Ors.***, filed by the respondent herein, with the following directions:

"9. The present OA is accordingly disposed of with a direction to the competent authority amongst the respondents to conduct a fresh medical examination of the applicant by way of constituting an appropriate medical board in any government medical hospital except the Hospital which has



already conducted the initial and the review medical examination.”

2. The respondent had applied for the post of Constable (Executive) (Male) pursuant to the Notice dated 01.09.2023 for the said post. Having cleared the examination, he was subjected to a Detailed medical examination (DME) wherein, by a Report dated 25.01.2024, he was declared ‘unfit’ with the following remarks:

*“Carrying angle
Right-22 degree
Left-23 degree
DENTAL POINTS-12...”*

3. Aggrieved thereby the respondent applied for a Review Medical Examination (RME) Board, which again declared him ‘unfit’ by finding that the carrying angle of the respondent was Right 24° and Left 23°, which was above the permissible relaxation.

4. The respondent challenged the same before the learned Tribunal, and as noted hereinabove, the learned Tribunal has directed the petitioner to subject the respondent to a re-medical examination.

5. The learned counsel for the petitioners submits that the consistent view of the DME and RME should not have been interfered with by the learned Tribunal.

6. On the other hand, the learned counsel for the respondent places reliance on the Judgments of this Court in ***Staff Selection Commission & Anr. v. Shahjeb Ali***, 2025:DHC:2303-DB, and ***Union of India & Ors. v. Anjani Bana***, 2025:DHC:5569-DB, and submits that as the Medical Board did not include an orthopedic and no clinical test was conducted on the respondent to determine the



carrying angle. He submits that therefore, the learned Tribunal has rightly directed that the respondent to be subjected to another medical examination for the same.

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

8. The learned counsel for the petitioners on instructions has confirmed that the Medical Boards did not include any orthopaedic nor any clinical test to determine the carrying angle of the respondent had been conducted by the Medical Boards. The reports were based on visual observations, by the person who had conducted the medical examination of the respondent using the Goniometer. We have already rejected the above submission of the petitioner in our Judgments in ***Shahjeb Ali*** (supra) and ***Anjani Bana*** (supra) referred hereinabove.

9. We, therefore, find no merit in the present petition. The petition along with the pending applications is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 25, 2025/bs/GB/ik