



2025:DHC:2689-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 17.04.2025

+ W.P.(C) 4849/2025

STAFF SELECTION COMMISSION AND ORS.....Petitioners

Through: Mr. Jagdish Chandra, CGSC
with Mr. Tushar Arora & Mr.
Shubham Kr. Mishra, Advs
with Mr. Vikas, HC, Delhi
Police.

versus

AYUSH PANWAR

.....Respondent

Through: Mr. Setu Niket & Ms. Muskan
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 22189/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4849/2025 & CM APPL. 22188/2025

2. This petition has been filed challenging the order dated 14.05.2024 passed by the Ld. Central Administrative Tribunal, (PB), New Delhi (hereinafter referred to as "CAT") in OA. No. 1097/2024 titled *Ayush Panwar v. Staff Selection Commission & Ors.* allowing the OA filed by the respondent herein and directing the petitioner to conduct the re-medical examination of the respondent.

3. Though we find that the present petition is liable to be



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dismissed mainly on ground of delay and laches, we have proceeded to consider the merits of the petition as well.

4. In the present case, the respondent was declared ‘unfit’ for the appointment to the post of Constable (Executive) Male in the Delhi Police Exam, 2023, on account of “*deformity of left finger*”, both by the Detailed Medical Examination Board and the Review Medical Examination Board.

5. The Medical Board had also consulted a specialist Orthopedic, who had opined as under:

*“Candidate unfit due left little finger deformity
Clinically- FFD seen at Distal inter phalangeal joint of left little finger
Radiologically- Mild shortening of middle and distal phalange l little finger.
As per Clause 12 of General grounds for rejection above defect cannot be accepted.”*

6. The learned counsel for the respondent, however, submits that this Court on 14.02.2025, in similar circumstances, in ***Staff Selection Commission & Ors. v. Ashish Sharma***, 2025 SCC OnLine Del 976, had directed that though a fresh medical board is not entitled to be constituted, the petitioner should consider if the conditions suffered by the respondent would impede the performance of his duty as a Constable in the Delhi Police, and communicate the decision to the respondent within a period of two weeks.

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

8. In view of the Judgement of this Court in ***Ashish Sharma*** (supra), we dispose of this petition by passing similar direction as



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passed therein, which is reproduced herein under:

“9. Accordingly, though the respondent would not be entitled to be considered by a fresh medical board, the petitioner would pass an order on the issue of whether the infirmity from which the respondent suffers could impede the performance of his duties as Constable in the Delhi Police and communicate the decision to the respondent within a period of two weeks from today.

10. Needless to say, the decision to recruit or not recruit the respondent as Constable in the Delhi Police would be dependent on the outcome thereof.”

9. Accordingly, the petition stands disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 17, 2025/Pr/Sm/ik

[Click here to check corrigendum, if any](#)