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

+ **W.P.(C) 172/2025 and CM APPL. 762/2025**

GOVT OF NCT OF DELHI AND ANRPetitioner

Through: Mr. Raj Kumar, CGSC with
Ms. Vandana Sachdeva, Mr. Ankit
Choudhary, Mr. Sumit Choudhary and Mr.
Sushant Rana, Advocates

versus

KAVITARespondent

Through: Ms. Sheikh Amina Rehmani,
Advocate

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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07.05.2026

C. HARI SHANKAR, J.

1. This writ petition assails judgment dated 14 May 2024 passed by the Central Administrative Tribunal¹ in OA 1654/2024.

2. The respondent applied for the post of Constable (Executive) Female in the Delhi Police, consequent to the Delhi Police Examination 2023. She cleared all rounds of the selection and was thereafter subjected to medical examination. A Detailed Medical Examination² and the Review Medical Examination³ were conducted.

¹ "the Tribunal", hereinafter

² "DME", hereinafter



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Both certified the respondent as suffering from reduced visual acuity and low haemoglobin count.

3. The submission of Mr. Raj Kumar, learned CGSC for the petitioners is that as the DME and the RME were concurrent in their finding, the Tribunal erred in directing a fresh medical examination of the respondent. He places reliance on the judgment dated 14 November 2024 of a Division Bench of this Court in WP (C) 13976/2024, *Staff Selection Commission v. Brij Kishore Meena*, which was one of the writ petitions decided by the judgement of this Court in *Staff Selection Commission v. Amit Goswami*⁴. The SLP preferred by Brij Kishore Meena against the decision of this Court, he submits, was also dismissed by the Supreme Court *vide* order dated 17 February 2025.

4. Ms. Sheikh Amina Rehmani, learned counsel for the respondent, on the other hand, submits that the present case is distinguishable from the case of *Brij Kishore Meena*. She also points out that the DME report only treated the respondent as temporarily unfit and, therefore, there could not be said to be concurrence of medical opinion. She submits that the facts of this case are in fact similar to the facts of *Staff Selection Commission v. Sanjoo Patel*⁵, which was also one of the petitions which was disposed of by the judgement in *Amit Goswami*.

5. Having heard learned counsel for the parties and perused the

³ "RME", hereinafter

⁴ 2024 SCC OnLine Del 7985



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record, we are in agreement with Ms. Rehmani that the present case does not deserve any interference at our hands. This is not a simple case of concurrent findings of DME and RME. In fact, there is no such concurrence as the DME found the respondent only temporarily unfit on the ground of low visual acuity and low Haemoglobin count. As we have noted in our order in *Sanjoo Patel*, where there are separate entries for temporarily unfit and unfit, and the Examining Authority records that the candidate is only temporarily unfit, that has to be given its due importance.

6. We note, with a considerable degree of disquietude, that on the very same day i.e. 24 January 2024, when the respondent was found temporarily unfit in the DME on the ground of low visual acuity and hemoglobin, she was again subjected to the RME which, understandably, arrived at the same finding.

7. Needless to say, if both examinations take place on the same day, there would be hardly any chance of any difference between them. It cannot be expected that any defect in vision or low hemoglobin would be cured within the span of one day.

8. Particularly, in view of the fact that the DME report only found the respondent to be temporarily unfit on the ground of low visual acuity and low hemoglobin, we are of the opinion that it was completely unjustified on the part of the petitioner to conduct an RME on the very same day.

⁵ WP (C) 13998/2024



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9. Indeed, this would reduce the exercise of conducting an RME to a mere formality.

10. This case, therefore, cannot be compared with the case of ***Brij Kishore Meena***, in which there is no observation by this Court that both examinations took place on the same day or that, in the DME, the candidate was found only to be temporarily unfit.

11. In that view of the matter as (i) the DME found the respondent only to be temporarily unfit on the ground of low visual acuity and hemoglobin, and (ii) the RME was conducted on the very same day, we are of the opinion that the facts of this case are peculiar and that the Tribunal was, therefore, justified in directing a fresh medical examination to be conducted.

12. We, therefore, decline to interfere with the order of the Tribunal.

13. Let compliance with the order of the Tribunal be ensured by conducting a fresh medical examination of the respondent within two weeks from today on a date and time which would be communicated to Ms. Rehmani's email ID by the petitioner during the course of the day.

14. Ms. Rehmani undertakes, on behalf of her client, that her client would remain bound by the decision of the fresh medical examination,



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whichever way it goes.

15. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 7, 2026/yg