



2026:DHC:3636-DB



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

Date of Decision: 28.04.2026

+ W.P.(C) 10309/2020, CM APPL. 32587/2020 and CM APPL. 2214/2021

DEENBANDHU MALIK

.....Petitioner

Through: Mr. Ankur Chhibber, Mr. Pranjali Marwah, Mr. Anshuman Mehrotra, Mr. Arjun Panwar, Mr. Amrit Koul, Mr. Prahil Sharma, Ms. Muskaan Dutta and Ms. Aditi Kapoor, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar Saxena, Mr. Mukesh Kumar Tiwari, Ms. Reba Jena Mishra and Ms Poonam Shukla, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.:

1. Through the present Writ Petition, the Petitioner assails the Orders dated 11.09.2020 and 25.11.2020, whereby he has been declared medically unfit for recruitment to the post of Sub-Inspector (SI) in Central Armed Police Force (CAPF), SI in Delhi Police and Assistant Sub-Inspector (ASI) in Central Industrial Security Force (CISF).

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2. The facts lie in a narrow compass and are briefly stated. Pursuant to the advertisement dated 03.03.2018 issued by the Staff Selection Commission (SSC), the Petitioner applied for the aforesaid posts. He cleared the written examinations as well as the Physical Endurance Test and Physical Standard Test. He was thereafter called for a Detailed Medical Examination (DME).

3. In the DME, the Petitioner was declared medically unfit on account of “cauliflower ear deformity/*perichondrial hematoma fibrosis*” of both ears. The Petitioner preferred an appeal and was examined by the Review Medical Board. The Review Medical Board also found him medically unfit on account of the same condition, described as *perichondrial hematoma fibrosis*/defective curvature of both ears.

4. Learned counsel for the Petitioner submits that the Petitioner is otherwise medically fit and that his hearing capacity is within normal limits. It is submitted that the Petitioner underwent an audiological evaluation at the Lady Hardinge Medical College Hospital by an ENT specialist on 17.09.2020 and was found fit, with no hearing impairment. It is further submitted that cauliflower ear is not specifically mentioned as a ground of rejection in the applicable medical guidelines.

5. Learned counsel for the Petitioner further submits that the Review Medical Board did not include an ENT specialist, though the deformity related to the ears. It is, therefore, submitted that the impugned medical opinions are unsustainable and that the Petitioner



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ought to be examined by a specialist Medical Board, and if found fit, be appointed to the applied posts with all consequential benefits.

6. *Per contra*, learned counsel for the Respondents submits that the Petitioner was examined strictly in accordance with the applicable medical guidelines. It is submitted that cauliflower ear is an external ear deformity and that the existence of the said deformity is admitted by the Petitioner. It is further submitted that normal hearing, by itself, does not answer the medical standard prescribed for recruitment to CAPFs.

7. The Respondents rely on the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles, issued by the Ministry of Home Affairs dated 20.05.2015.

8. The Respondents contend that under the said guidelines, under the section Detailed Medical Examination, II. Examination of Ears and Hearing Standards under the head “External Ear”, provides that a candidate shall be declared unfit if he suffers from “atresia or severe microtia, congenital or acquired stenosis or any other severe external ear deformity.” And thus, the guideline is not confined only to the specifically enumerated conditions. It also contains a residuary part, namely, “any other severe external ear deformity”.

9. The case of the Respondents is that cauliflower ear deformity falls within the said category of severe external ear deformity. The Petitioner does not seriously dispute that he has cauliflower ears. His case is that the said condition does not affect his hearing and, therefore, ought not to have resulted in medical unfitness.

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10. The only issue which arises for consideration is whether, in the facts of the present case, the concurrent opinion of the Detailed Medical Examination and the Review Medical Board declaring the Petitioner medically unfit on account of bilateral external ear deformity warrants interference in the exercise of jurisdiction under Article 226 of the Constitution of India.

11. The law governing interference with medical opinions in recruitment to disciplined forces is well settled. In **Staff Selection Commission & Ors. v. Aman Singh**¹, this Court has held that the principles applicable to recruitment to disciplined forces, such as the Armed and Paramilitary Forces or Police, are distinct from those applicable to normal civilian recruitment. The standards of fitness and the rigour of examination are undoubtedly higher and stricter.

12. It has further been held in **Aman Singh (Supra)** that there is no absolute bar on judicial review of decisions of Medical Boards or Review Medical Boards. The Court does not sit as an appellate medical authority, but may interfere where the facts disclose some substantial infirmity in the process of assessment, such as breach of prescribed procedure, absence of the requisite specialist where the nature of the ailment so requires, disregard of material medical evidence, or any other circumstance showing that the assessment does not inspire confidence.

13. Equally, where the Medical Board and the Review Medical Board have returned concurrent findings regarding the existence of the

¹ 2024: DHC:8441-DB



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disqualifying condition, the Court would ordinarily proceed on that basis unless the material discloses a real reason to doubt the diagnosis or the fairness of the process. Beyond that, the Court must remain circumspect and avoid substituting its own medical opinion for that of the expert bodies constituted for the purpose.

14. Tested on the aforesaid touchstone, this Court finds no ground to interfere.

15. The Petitioner's principal submission is that the Petitioner has no hearing impediment, his hearing is within normal limits. That submission, attractive at first blush, does not answer the actual basis on which the Petitioner has been declared medically unfit. The Petitioner has been declared unfit on account of cauliflower ear deformity/*perichondrial hematoma fibrosis*, described as defective curvature/deformity of both external ears.

16. There is no real dispute as to the existence of the said condition. Even the Out Patient Record relied upon by the Petitioner from Lady Hardinge Medical College Hospital records the presence of cauliflower ears. The said material, therefore, does not dislodge the finding of the Medical Board or the Review Medical Board as to the existence of the deformity.

17. At best, the material from Lady Hardinge Medical College Hospital shows that the Petitioner's hearing was within normal limits on the date of examination. It does not efface the recorded external ear deformity. Nor can it override the assessment made by the duly constituted Medical Board and Review Medical Board under the



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recruitment medical standards applicable to the recruitment posts.

18. The contention that the expression “cauliflower ear” is not specifically mentioned in the guidelines also cannot be accepted. The relevant guideline does not merely enumerate named conditions. It includes “any other severe external ear deformity”. Once the Respondents have treated cauliflower ear deformity as falling within the said category, and the Medical Board, as well as the Review Medical Board, have concurrently found the Petitioner unfit on this ground, this Court would not substitute its own view on the matter.

19. It may also be noticed that the Respondents, pursuant to this Court’s Order dated 22.12.2020, have placed on record medical literature indicating an association between cauliflower ear deformity and a higher prevalence of hearing loss and ear infections. This Court does not treat the said material as conclusive proof that every person with cauliflower ears would necessarily suffer such consequences. It is noticed only to indicate that the Respondents’ understanding of the condition is not shown to be wholly unsupported.

20. Be that as it may, the decision in the present case does not ultimately turn on an independent judicial evaluation of the said medical literature. The rejection of the Petitioner is sustainable otherwise, as it rests on concurrent findings of the Medical Board and the Review Medical Board and is traceable to the recruitment guideline governing severe external ear deformity.

21. The submission regarding absence of an ENT specialist in the Review Medical Board also does not persuade this Court to interfere



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in the facts of the present case. This is not a case where the Petitioner has been declared unfit on account of an internal ear disease, hearing pathology, or some doubtful condition requiring specialist evaluation for its very identification. The existence of bilateral external ear deformity is not disputed by the Petitioner; indeed, the OPD record from Lady Hardinge Medical College Hospital notes the presence of cauliflower ears and merely certifies normal hearing. In these circumstances, no ground is made out to direct yet another examination by an ENT specialist merely because the Petitioner disputes the consequence attached to the deformity under the recruitment standards.

22. The decisions relied upon by the Petitioner, where a fresh medical examination by a specialist board was directed, were based on their own facts. In the present case, there are concurrent medical opinions, admitted external ear deformity, and a guideline dealing with severe external ear deformity. Consequently, failure in associating an ENT Specialist would not be sufficient to order constitution of another Medical Board. Those decisions, therefore, do not advance the case of the Petitioner.

23. In the absence of perversity, *mala fides*, breach of mandatory procedure or disregard of the governing medical standard, no ground for interference is made out.



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24. The present Writ Petition is accordingly dismissed. The pending applications also stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 28, 2026
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