



2025:DHC:956-DB



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

Date of decision: 06.02.2025

+ W.P.(C) 5441/2024 & CM APPL. 22466/2024

NISHANT

.....Petitioner

Through: Ms. Saahila Lamba, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vinay Yadav, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

The matter is taken up today as 05.02.2025 was declared as a holiday on account of the Delhi Assembly Elections.

1. This petition has been filed by the petitioner, challenging the report of the Review Medical Examination dated 15.03.2024, whereby the petitioner has been declared 'unfit' for appointment to the post of Sub-Inspector in the Delhi Police and the Central Armed Police Forces Examination-2023 on the ground of being found suffering from 'Syndactyly'.

2. The learned counsel for the petitioner submits that, in terms of clause XI(2)(viii)(B)(b) of the applicable 'Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles' dated May 2015 (hereinafter referred to as the 'Medical



Guidelines’), in case of the presence of deformities of the toes, the Medical Board has to form an opinion on whether such deformities would prevent the proper wearing of combatised footwear or impairs walking, marching, running or jumping of the candidate. She submits that in the present case, the Review Medical Board does not seem to have tested the petitioner on this perimeter.

3. She further submits that, in terms of the Medical Guidelines, the Review Medical Board should have consisted of an Orthopaedic specialist or an opinion of an Orthopaedic specialist from a government hospital should have been obtained by it. She submits that in the present case, though the petitioner has raised this ground specifically in the petition, however, there is no specific denial of the same in the counter affidavit filed by the respondents, particularly regarding whether the Review Medical Board consisted of an Orthopaedic specialist or whether the petitioner was ever referred to an Orthopaedic in a government hospital.

4. On the other hand, the learned counsel for the respondents submits that clause (5)(j) of the Medical Guidelines specifically guides the Medical Board to examine if the candidate’s feet and toes are well-formed. Referring to clause 6(20) of the Medical Guidelines, he states that any congenital abnormality that impedes the efficient discharge of training/duties would be a ground for rejection of the candidate. She submits that although for the deformity in question, it is advisable to have an orthopaedic specialist in a Review Medical Examination, or for the candidate to be referred to an Orthopaedic specialist in a



government hospital, merely because the Review Medical Board did not consist of an Orthopaedic specialist or the petitioner was not referred to a government hospital, would not act as a ground for disregarding the opinion of the Medical Board.

5. We have considered the submissions made by the learned counsel for the parties.

6. Clause XI(2)(viii)(B)(b) of the Medical Guidelines read as under:

“Presence of deformities of the toes (acquired or congenital, including, but not limited to conditions such as hallux valgus, hallux varus, hallux rigidus, claw toe(s), overriding toe(s), (that prevents the proper wearing of combatised footwear or impairs walking, marching, running, or jumping, are disqualifying.”

7. A reading of the above clause indicates that the mere presence of deformities of toes cannot be a ground for disqualification, unless it is also accompanied by an opinion that such deformity would prevent the candidate from the proper wearing of combatised footwear or impair in the candidate’s walking, marching, running or jumping. In contradistinction, in case of deformity in hands and fingers, this additional condition is not to be satisfied, as is evident from reading of Clause VII(3)(b) of the Medical Guidelines reproduced herein under:

“VII. UPPER EXTREMITIES:

Xxxx

3. Hands and fingers.

xxxxx

(b) Polydactyly/ syndactyly is disqualifying.”



8. In the present case, the report of the Review Medical Board does not indicate that the Review Medical Board considered the additional condition of whether the deformity suffered by the petitioner would prevent him from the proper wearing of combatised footwear or impair in his walking, marching, running or jumping, before declaring the petitioner 'unfit' for appointment.

9. As far as the reliance of the learned counsel for the respondents on clause 5(j) of the Medical Guidelines is concerned, it merely guides the Medical Board to specifically consider whether the feet and toes of a candidate are well-formed. It does not define a ground for disqualification. We quote the said clause as under:

“5. GENERAL EXAMINATION

*While examining the candidates (he/she)
principal points which need careful attention
are as under*

Xxxx

j) Feet & toes should be well formed.”

10. Clause 6(20) of the Medical Guidelines, on which the learned counsel for the respondents relies, also requires that in the case of a congenital abnormality, the Medical Board is also to opine on whether it would impede efficient discharge of training/duties by the candidate. The same has, again, not been opined by the Medical Board in the present case.

11. The Medical Board also did not consist of an Orthopaedic specialist who could have informed the Medical Board of the condition suffered by the petitioner and whether the petitioner suffers from a disqualification from appointment.

