



2025:DHC:3778-DB



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

Reserved on: 28.04.2025
Date of Decision: 15.05.2025

+ **W.P.(C) 3776/2025 & CM APPL. 17557/2025**

SHIKHAR PRASADPetitioner

Through: Mr. Abhay Kumar Bhargava
and Mr. Satyaarth Sinha, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Ripu Daman Bhardwaj
CGSC, Mr. Amit Kaushik and
Mr. Himanshu Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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AJAY DIGPAUL, J.

1. The present writ petition under Article 226 of the Constitution has been filed on behalf of the petitioner seeking the following reliefs:

“(i) Issue a writ of Certiorari or any other writ, order or direction thereby calling for records and quash the impugned order dated 22.03.2025 issued by the P.O. Review Medical Board, Mosb-2024 Ch Joradhakalan CRPF, New Delhi vide which it was communicated to the petitioner that he was declared unfit during the Review Medical Board because of single testis in his scrotum.
(ii) Issue a writ of Mandamus or any other writ, order or direction thereby directing the Respondent No 2, i.e. ITBP and Respondent No.3 is P.O. Review Medical Board, Mosb-2024 Ch Joradhakalan CRPF, New Delhi to consider the petitioner medically Fit for the post of Assistant Commandant/Medical Officer under the advertisement annexed as Annexure-P2.”



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Brief facts

2. The relevant facts, as emerged from the pleadings, are as follows:

- a. The Indo-Tibetan Border Police Force, Ministry of Home Affairs, Government of India, in October 2024, published an advertisement for recruitment to Group A post for various positions such as Super Specialist Medical Officers (Second-in-Command), Specialist Medical Officers (Deputy Commandant) and Medical Officers (Assistant Commandant) in Central Armed Police Forces (Border Security Force, Central Reserve Police Force, Indo-Tibetan Border Police Force, Sashastra Seema Bal and Assam Rifles) in the relevant pay scale.
- b. The petitioner is stated to have applied for the post of Medical Officer (Assistant Commandant)¹. During the process of recruitment, the petitioner had undergone medical examination test², wherein, he was declared medically unfit on 20.03.2025 with the reason '*Left Testis absent. H/o Left Orchidectomy*'.
- c. Pursuant to the above, the matter was referred to the Review Medical Board³ which again declared the petitioner medically unfit on 22.03.2025.

¹ Hereinafter "subject post"

² Hereinafter "MET"



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- d. Aggrieved by the aforesaid decision, the instant petition has been filed seeking setting aside of the same.

Submissions on behalf of the petitioner

3. Mr. Abhay Kumar Bhargava, learned counsel appearing on behalf of the petitioner submitted that the impugned order is bad in law and liable to be set aside as the petitioner has been declared medically unfit without taking into consideration of the fact that in the year 2014, the petitioner had undergone a surgery because of torsion and his left testis was removed.

4. An ultrasound report dated 14.02.2014, appended with the instant petition as **Annexure P-4**, shows that the petitioner suffered from torsion of the left testis. Pursuant to his surgery, the petitioner's left testis was sent for examination and a medical report dated 27.02.2014 stipulates that the petitioner had haemorrhagic infraction of testis.

5. The petitioner relies on the '*Guidelines For Recruitment Medical Examination In Central Armed Police Forces And Assam Rifles*', published vide Office Memorandum dated 20.05.2015⁴, as per which 'surgical removal of testis (Orchidectomy) for torsion' is not a ground for disqualification. In the instant case, the petitioner's candidature has been rejected solely on the basis of having one testis

³ Hereinafter "RMB"

⁴ Hereinafter "CAPF Guidelines"



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in scrotum and not on the ground of being otherwise medically unfit for recruitment to the subject post.

6. It is contended by the petitioner that in other paramilitary forces, where, as per their guidelines such as ‘physical and medical standards for various entries into Army, TRG Academics and Military Schools, published vide Manual dated 16.07.2019’ and ‘physical and medical standards for Indian Air Force, published vide notification of AFCAT 01/2025’, undescended testis/Orchidectomy is not a ground for declaring a person medically unfit.

7. Our attention has further been drawn by the learned counsel for the petitioner to a communication dated 21.03.2025, made by the Presiding Officer, RMB, where, a specialised surgical opinion was sought with respect to whether the petitioner is suitable for the subject post as the CAPF Guidelines at Paragraph no. 6 (28) on page no. 8 doesn’t specify the condition of ‘surgical removal of testis (Orchidectomy) for torsion’ as a ground for rejection.

8. Learned counsel also relies on **Annexure P-8**, which is a medical prescription dated 08.03.2025, issued by the AIIMS, Delhi, to contend that he is physically fit to be recruited to the subject post. Accordingly, it is submitted that the petitioner has been declared medically unfit without any application of mind and in the absence of any specific guidelines, and thus, the same is liable to be set aside.



Submissions on behalf of the respondent

9. *Per Contra*, Mr. Ripu Daman Bhardwaj, learned CGSC appearing on behalf of the respondents vehemently opposed the instant petition submitting to the effect that the same is liable to be dismissed being devoid of any merits. The petitioner had applied for the subject post and was put through the Review Medical Examination⁵ on 22.03.2025, however, he was declared medically unfit by the RMB due to single testis in his scrotum.

10. As per Paragraph 3 (e) of Chapter XIII of the CAPF Guidelines, the petitioner does not meet the medical standards required to be recruited to the subject post and thus, he was disqualified. The relevant portion of the CAPF Guidelines is reproduced hereunder:

“XIII. EXAMINATION OF INGUINAL REGION AND GENITALS:

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xxx

3. Look for-

(e) Scrotum: *Look if both the testes are in the scrotal sac and of normal size. The scrotum should be examined for Hydrocele, Varicocele and abnormality of the testis like undescended testis, ectopic testis, atrophic testis or neoplasia of testis, Grade I Varicocele is acceptable. Undescended testis/ ectopic testis and atrophic/hypothrophic testis are considered as disqualification.”*

11. Learned CGSC submitted that the highest standards of physical fitness are expected from the candidate seeking recruitment to the subject post due to the arduous nature of the duties performed by the

⁵ Hereinafter “RME”



officers posted in the Central Armed Police Forces/Armed Forces⁶. The standards of physical fitness for recruitment to the CAPF/AF are more stringent than for civilian employment and due to the same, the decision of the RMB has been upheld in a catena of judgments such as *Arun Nagar v. UOI & ORs.*⁷, *Divya v. UOI & Anr.*⁸ and *Rajnish v. UOI & Ors.*⁹ passed by this Court. Thus, it is submitted that the RMB has acted in a fair manner and with utmost sincerity by following the CAPF Guidelines, and there is no merit in the propositions put forth by the petitioner.

Analysis and Findings

12. Having heard the learned counsel appearing on behalf of the respective parties, the issue before us is as regards to whether the petitioner can be recruited despite the fact that he has been declared medically unfit as per the CAPF Guidelines due to the physical deficiency.

13. The issue as regard to the scope of judicial interference in evaluating the decisions of medical examination by medical experts is no longer *res integra*.

14. In *Satender Kumar Yadav v. Union of India & Ors.*¹⁰, the Division Bench of this Court observed that the ‘rules and regulations’ governing the selection of a candidate to a particular post are drafted

⁶ Hereinafter “CAPF/AF”

⁷ WP (C) 3149/2025, Order dated 12.03.2025

⁸ WP (C) 1622/2025, Order dated 13.02.2025

⁹ WP (C) 1278/2025, Order dated 03.02.2025

¹⁰ 2024 SCC OnLine Del 1886



by the experts of the subject matter after careful consideration.

15. In the aforementioned judgment, it was also observed and held that the writ courts ought not to interfere in matters where a candidature has been rejected as the writ courts do not sit in appeal over such decision. It is only on limited grounds such as patent illegality, which is apparent on the face of the record where the writ courts may interfere. The relevant portion of the same is as under:

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“13. There is no qualm about the fact that the terms and conditions contained in the Manual being the gospel when it comes to recruitment of any candidate by the respondents like the petitioner herein, are the guiding principles for the respondents to follow and abide. Similarly, recruitment of all candidates like the petitioner is also bound by the said Manual.

14. The facts involved reveal that both the SMB and the AMB being constituted by the respondents comprising of specialized experts in their fields have rendered their valuable opinion independently on two respective occasions and declared the petitioner medically ‘Unfit’. In view thereof, it is not for this Court to sit in appeal over the said decisions/ opinions rendered by both the medically competent boards.

15. Further, since this Court finds that neither of them is vitiated by any element of biasness, arbitrariness or mala fide, there is no occasion and/ or reason for doubting either of them. In fact, as per the settled position of law, this Court, actually Courts, ought to be circumspect, wary and watchful in dwelling into such matters of correctness or the analysis or the appraisal thereof, especially when it is qua recruitment into the Armed Forces, as also when they are involving opinion(s) rendered by specialized experts in their fields.



16. *The aforesaid Manual also has been prepared by the specialized experts in their fields of the respondents, who, in their esteemed wisdom have chosen to device the criteria for determination of any candidate for the recruitment, as also the conditions for reference of such candidature to the RMB. The Hon'ble Supreme Court, while dealing with the aforesaid in Union of India v. Lt. Gen. Rajendra Singh Kadyan¹¹ has held as under:*

“29. Critical analysis or appraisal of the file by the Court may neither be conducive to the interests of the officers concerned or for the morale of the entire force. Maybe one may emphasize one aspect rather than the other but in the appraisal of the total profile, the entire service profile has been taken care of by the authorities concerned and we cannot substitute our view to that of the authorities. It is a well-known principle of administrative law that when relevant considerations have been taken note of and irrelevant aspects have been eschewed from consideration and that no relevant aspect has been ignored and the administrative decisions have nexus with the facts on record, the same cannot be attacked on merits. Judicial review is permissible only to the extent of finding whether the process in reaching decision has been observed correctly and not the decision as such. In that view of the matter, we think there is no justification for the High Court to have interfered with the order made by the Government.”

17. *De-hors the above, in terms of para 22 of the Manual reproduced hereinabove, the reference of any candidate for recruitment like the petitioner herein to the RMB is certainly is not a matter of right. The same is in fact dependent upon various other factors contained in the Manual and the medical opinion rendered by the specialized experts of the respondents. As such, the same*

¹¹ (2000) 6 SCC 698



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is indeed subjective.

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16. It has further been observed in *Staff Selection Commission v. Aman Singh*¹², which has been authored by one of us (C Hari Shankar, J.), that the medical officers are the best experts to judge whether a prospective candidate, who is likely to be with the force in the time to come, fulfils the medical standards. Relevant paragraphs of the said judgment are as under:

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“10.36 The inbuilt proscription against judicial interference, where specialists in the field had rendered medical opinions disqualifying the concerned candidate, therefore, stands underscored in this decision. Besides, if, in the prescribed guidelines, a particular pathological condition is specified as rendering the candidate unfit for recruitment, the Court cannot hold otherwise.

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The applicable principles

10.38 In our considered opinion, the following principles would apply:

(i) The principles that apply in the case of recruitment to disciplined Forces, involved with safety and security, internal and external, such as the Armed and Paramilitary Forces, or the Police, are distinct and different from those which apply to normal civilian recruitment. The standards of fitness, and the rigour of the examination to be conducted, are undoubtedly higher and stricter.

¹² 2024 SCC OnLine Del 7600



(ii) There is no absolute proscription against judicial review of, or of judicial interference with, decisions of Medical Boards or Review Medical Boards. In appropriate cases, the Court can interfere.

(iii) The general principle is, however, undoubtedly one of circumspection. The Court is to remain mindful of the fact that it is not peopled either with persons having intricate medical knowledge, or were aware of the needs of the Force to which the concerned candidate seeks entry. There is an irrebuttable presumption that judges are not medical men or persons conversant with the intricacies of medicine, therapeutics or medical conditions. They must, therefore, defer to the decisions of the authorities in that regard, specifically of the Medical Boards which may have assessed the candidate. The function of the Court can only, therefore, be to examine whether the manner in which the candidate was assessed by the Medical Boards, and the conclusion which the Medical Boards have arrived, inspires confidence, or transgresses any established norm of law, procedure or fair play. If it does not, the Court cannot itself examine the material on record to come to a conclusion as to whether the candidate does, or does not, suffer from the concerned ailment, as that would amount to sitting in appeal over the decision of the Medical Boards, which is not permissible in law.

(iv) The situations in which a Court can legitimately interfere with the final outcome of the examination of the candidate by the Medical Board or the Review Medical Board are limited, but well-defined. Some of these may be enumerated as under:

(a) A breach of the prescribed procedure that is required to be followed during examination constitutes a legitimate ground for interference. If the examination of the candidate has not taken place in the manner in which the applicable



*Guidelines or prescribed procedure requires it to be undertaken, the examination, and its results, would ipso facto stand vitiated.*⁷⁹

(b) If there is a notable discrepancy between the findings of the DME and the RME, or the Appellate Medical Board, interference may be justified. In this, the Court has to be conscious of what constitutes a “discrepancy”. A situation in which, for example, the DME finds the candidate to be suffering from three medical conditions, whereas the RME, or the Appellate Medical Board, finds the candidate to be suffering only from one of the said three conditions, would not constitute a discrepancy, so long as the candidate is disqualified because of the presence of the condition concurrently found by the DME and the RME or the Appellate Medical Board. This is because, insofar as the existence of the said condition is concerned, there is concurrence and uniformity of opinion between the DME and the RME, or the Appellate Medical Board. In such a circumstance, the Court would ordinarily accept that the candidate suffered from the said condition. Thereafter, as the issue of whether the said condition is sufficient to justify exclusion of the candidate from the Force is not an aspect which would concern the Court, the candidate's petition would have to be rejected.

(c) If the condition is one which requires a specialist opinion, and there is no specialist on the Boards which have examined the candidate, a case for interference is made out. In this, however, the Court must be satisfied that the condition is one which requires examination by a specialist. One may differentiate, for example, the existence of a haemorrhoid or a skin lesion which is apparent to any doctor who sees the candidate, with an internal orthopaedic deformity, which may require radiographic



examination and analysis, or an ophthalmological impairment. Where the existence of a medical condition which ordinarily would require a specialist for assessment is certified only by Medical Boards which do not include any such specialist, the Court would be justified in directing a fresh examination of the candidate by a specialist, or a Board which includes a specialist. This would be all the more so if the candidate has himself contacted a specialist who has opined in his favour.

(d) Where the Medical Board, be it the DME or the RME or the Appellate Medical Board, itself refers the candidate to a specialist or to another hospital or doctor for opinion, even if the said opinion is not binding, the Medical Board is to provide reasons for disregarding the opinion and holding contrary to it. If, therefore, on the aspect of whether the candidate does, or does not, suffer from a particular ailment, the respondents themselves refer the candidate to another doctor or hospital, and the opinion of the said doctor or hospital is in the candidate's favour, then, if the Medical Board, without providing any reasons for not accepting the verdict of the said doctor or hospital, nonetheless disqualifies the candidate, a case for interference is made out.

(e) Similarly, if the Medical Board requisitions specialist investigations such as radiographic or ultrasonological tests, the results of the said tests cannot be ignored by the Medical Board. If it does so, a case for interference is made out.

(f) If there are applicable Guidelines, Rules or Regulations governing the manner in which Medical Examination of the candidate is required to be conducted, then, if the DME or the RME breaches the stipulated protocol, a clear case for interference is made out.



(v) *Opinions of private, or even government, hospitals, obtained by the concerned candidate, cannot constitute a legitimate basis for referring the case for re-examination. At the same time, if the condition is such as require a specialist's view, and the Medical Board and Review Medical Board do not include such specialists, then the Court may be justified in directing the candidate to be re-examined by a specialist or by a Medical Board which includes a specialist. In passing such a direction, the Court may legitimately place reliance on the opinion of such a specialist, even if privately obtained by the candidate. It is reiterated, however, that, if the Medical Board or the Review Medical Board consists of doctors who are sufficiently equipped and qualified to pronounce on the candidate's condition, then an outside medical opinion obtained by the candidate of his own volition, even if favourable to him and contrary to the findings of the DME or the RME, would not justify referring the candidate for a fresh medical examination.*

(vi) *The aspect of “curability” assumes significance in many cases. Certain medical conditions may be curable. The Court has to be cautious in dealing with such cases. If the condition is itself specified, in the applicable Rules or Guidelines, as one which, by its very existence, renders the candidate unfit, the Court may discredit the aspect of curability. If there is no such stipulation, and the condition is curable with treatment, then, depending on the facts of the case, the Court may opine that the Review Medical Board ought to have given the candidate a chance to have his condition treated and cured. That cannot, however, be undertaken by the Court of its own volition, as a Court cannot hazard a medical opinion regarding curability, or the advisability of allowing the candidate a chance to cure the ailment. Such a decision can be taken only if there is authoritative medical opinion, from a source to which the*



respondents themselves have sought opinion or referred the candidate, that the condition is curable with treatment. In such a case, if there is no binding time frame within which the Review Medical Board is to pronounce its decision on the candidate's fitness, the Court may, in a given case, direct a fresh examination of the candidate after she, or he, has been afforded an opportunity to remedy her, or his, condition. It has to be remembered that the provision for a Review Medical Board is not envisaged as a chance for unfit candidates to make themselves fit, but only to verify the correctness of the decision of the initial Medical Board which assessed the candidate.

(vii) The extent of judicial review has, at all times, to be restricted to the medical examination of the candidate concerned. The Court is completely proscribed even from observing, much less opining, that the medical disability from which the candidate may be suffering is not such as would interfere with the discharge, by her, or him, of her, or his, duties as a member of the concerned Force. The suitability of the candidates to function as a member of the Force, given the medical condition from which the candidate suffers, has to be entirely left to the members of the Force to assess the candidate, as they alone are aware of the nature of the work that the candidate, if appointed, would have to undertake, and the capacity of the candidates to undertake the said work. In other words, once the Court finds that the decision that the candidate concerned suffers from a particular ailment does not merit judicial interference, the matter must rest there. The Court cannot proceed one step further and examine whether the ailment is such as would render the candidate unfit for appointment as a member of the concerned Force.”

17. Now, with respect to the instant matter, the petitioner contends that he has been erroneously declared medically unfit due to absence



of left testis. Rebutting the same, the respondents contend that the decision of the RMB, constituted by a body of medical experts, was passed after careful consideration of the CAPF Guidelines as the petitioner failed to meet the medical standards required to be recruited to the subject post.

18. We are of the considered view that in terms of the settled position of law, in matters of medical evaluation, courts should exercise restraint and avoid substituting their judgment for that of medical experts under its writ jurisdiction, lest it undermine the recruitment process as the decision of such medical experts is based on their years of experience, knowledge in the particular field and established guidelines.

Conclusion

19. We have perused the CAPF Guidelines, which is applicable to the facts of the present matter, and which specifically mentions the grounds of disqualification for a person who is medically unfit.

20. We may also observe that there are several decisions by the Hon'ble Supreme Court and various High Courts, where it has been specifically held that the decision of the medical board are not to be interfered until and unless material irregularity or illegality is shown in the same.

21. We have seen the MET report (appended as **Annexure R-2**



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with the short affidavit on behalf of the respondents) as well as the Review Medical Examination report (appended as **Annexure R-3** with the short affidavit on behalf of the respondents). In both the reports, the petitioner has been found to be medically unfit.

22. The basic difference between civil employment and employment in paramilitary forces is that the required physical strength is must for a person who is seeking an employment in the paramilitary forces.

23. The Indian paramilitary forces operate in varied terrains including high altitude areas, deserts and other difficult regions where personnel are exposed to extreme weather conditions, physical strains and other potential health hazards. Given these demands, the forces require the personnel to be in an optimal physical condition to ensure their safety, effectiveness and adequate service to be rendered to the force.

24. The petitioner has not challenged the validity or applicability of the CAPF Guidelines itself, which is designed to ensure that all personnel meet the physical and medical demands of service without undue risk to themselves or others. Notably, the petitioner's conditions fall clearly within the specifications that render him ineligible for service under the existing CAPF Guidelines. This fact also answers the apprehension of the petitioner that a person can't be declared medically unfit for having single testis.



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25. Now, insofar the contention of the petitioner with respect to the point that the CAPF Guidelines does not specify the ‘surgical removal of a testis due to torsion’ as a ground for disqualification is concerned, it is observed that during the MET, the petitioner was declared medically unfit on account of *‘Left Testis absent. H/o Left Orchidectomy’*.

26. Pursuant to the above, the concerned Presiding Officer made a communication seeking opinion from the department regarding the point as to whether the petitioner is suitable for the subject post since the CAPF Guidelines, at Paragraph no. 6 (28) on page no. 8, doesn’t specify the aforesaid condition as a ground for rejection, as also contended by the petitioner hereinabove. It is pertinent to mention here that following the aforesaid communication, the RMB, after taking into consideration the communication, Paragraph no. 6 (28) of the CAPF Guidelines as well as the fact that the petitioner has single testis in scrotum due to surgical removal of left testis, concurred with the decision of MET, thereby, declaring the petitioner ‘unfit’ on 22.03.2025; and the same is apparent from the perusal of the RMB’s report. Therefore, there is no scope for further deliberation on the point of petitioner’s medical fitness.

27. Accordingly, we are of the view that the petitioner’s contention does not hold any water and that the RMB has rightly appreciated the entire facts and circumstances including the CAPF Guidelines.

28. The contention of the petitioner as regard to the parity with other paramilitary forces/army is also of no help as the medical



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standards are decided by the respective forces. Therefore, a disease which has not been categorised for the purpose of declaring a person unfit in any paramilitary force/army will not bind such other paramilitary force to have the same standards.

29. Therefore, keeping in view the observations made in the foregoing paragraphs, we are of the view that the RMB's decision to declare the petitioner medically unfit for service is a well-reasoned and professional assessment based on the petitioner's medical condition.

30. The RMB's expertise in evaluating the petitioner's fitness for service, considering specific requirements, and challenges of the force has not been successfully impeached by the petitioner.

31. Given the policies clear stipulation, the RMB's assessment and the inherent demands of service of the paramilitary forces, we do not find any legal or factual basis to interfere with the decision of the respondents, by which the petitioner has been declared medically unfit for service.

32. The respondent's requirement for the personnel to be in perfect health is not merely a matter of preference but a necessity for operational effectiveness and safety.

33. In view of the above, this Court does not find any merit in the instant petition and thus, the same stands dismissed. Pending applications stand disposed of.



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34. No order as to costs.
35. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

C. HARI SHANKAR, J.

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Click here to check corrigendum, if any