



2025:DHC:5410-DB



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

Date of decision: 09.07.2025

+ W.P.(C) 878/2025, CM APPL. 4243/2025

SSC AND ANR.

.....Petitioners

Through: Ms. Rukhmini Bobde, Mr.
Amlaan Kumar, Mr. Anmol
Jagga, Mr. Vinayak Aren,
Advs.

versus

SANDEEP

.....Respondent

Through: Mr. Setu Niket, Ms. Esha
Mazumdar, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 27.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in Original Application No. 3319/2024 (hereinafter referred to as the, 'O.A.'), titled ***Sandeep v. Staff Selection Commission & Anr.***, whereby the learned Tribunal allowed the O.A. filed by the respondent herein with the following directions:

"7. This Tribunal has also dealt with a similar matter in similar circumstances, for the same disease i.e. Knock Knees vide order dated 14.05.2024 in OA No. 1907/2024, directing the respondents to refer the case of the applicant to fresh medical board.



7. In our considered view, the ratio of the aforesaid Order applies to the facts of the present case as well. Accordingly, the OA is also disposed of with a direction to the competent authority amongst the respondent to conduct a fresh medical examination of the applicant by way of constituting an appropriate medical board in any government hospital except the hospital which has already conducted the initial and the review medical examination. Appropriate orders with respect to the candidature of the applicant on the basis of the outcome of such an independent/fresh medical examination be passed thereafter under intimation to the applicant.

8. The aforesaid directions shall be complied with within a period of twelve weeks from the date of receipt of a certified copy of this order. In the event the applicant is being declared medically fit, subject to his meeting other criteria, he shall be given appointment forthwith. The applicant, in such an eventuality, shall also be entitled to grant of all consequential benefits, however, strictly on notional basis. No costs.”

2. We must, at the outset, note that the learned Tribunal has based its impugned order only on its earlier Order dated 10.05.2024 passed in O.A. No. 519/2024, without appreciating the peculiar facts of the present case. We have repeatedly emphasized that although the law relating to the medical examination of a candidate may be settled, it must be applied on the facts of each individual case. There cannot be a ‘one size fits all’ approach in such matters.

3. Coming to the facts of the present case, the respondent had applied for the post of Constable (Executive) Male, pursuant to the advertisement issued by the Staff Selection Commission (hereinafter referred to as the, ‘SSC’) for the said post in the Delhi Police



Examination, 2023. Having successfully qualified in the other stages of the examination, he was called for the medical examination. The Detailed Medical Examination Board (hereinafter referred to as the, 'DME), however, declared him 'unfit' for appointment on the ground of "Knock Knee", *vide* report dated 19.01.2024.

4. Aggrieved thereby, he applied for a review of the same.

5. The Review Medical Examination Board (hereinafter referred to as the, 'RMB') referred him for an X-ray on 21.01.2024. In the X-ray, it was reported that the Intermalleolar Distance was 8 cm. Based on the said report, and finding the distance to be more than 5 cm, the RMB also declared him 'unfit' for appointment on the ground of the presence of "Knock Knee".

6. Aggrieved by the same, the respondent approached the learned Tribunal.

7. As noted hereinabove, the learned Tribunal, merely placing reliance on its earlier order, has allowed the O.A. and has directed the petitioner to conduct a re-medical examination of the respondent.

8. The learned Counsel for the petitioners submits that not only was the respondent referred for an X-ray, the report of which suggested that he was suffering from "Knock Knee", but even otherwise, for "Knock Knee", a candidate is not required to be referred to an Orthopedic, as the determination of 'knock knees' does not entail specialist knowledge and is discernible even to a lay person. She places reliance on the Judgment of this Court in ***Vikash Chaudhary v. Union of India & Ors.***, 2020 SCC OnLine Del 1989.

9. On the other hand, the learned counsel for the respondent



submits that the DME did not conduct an X-ray to determine whether the respondent suffered from “Knock Knee”. It also did not report on the Intermalleolar distance. It is only at the stage of the RME that the respondent was referred for an X-ray, in which it was reported that the Intermalleolar distance was 8 cm. The respondent was, therefore, denied an opportunity to challenge the same.

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

11. In the present case, the respondent was referred for an X-ray, and the report indicated that the Intermalleolar distance was 8 cm, that is, more than the prescribed limit of 5 cm.

12. It has been held by this Court that where the findings of the DME are supported by other clinical studies and examinations, the Court cannot act as an expert to interfere with the same. In fact, as noted hereinabove, the learned Tribunal has not even doubted the correctness of the RME before passing the impugned direction. The recruitment process cannot continue with repeated opportunities being granted to a candidate to prove his fitness.

13. It is for the petitioners, especially in matters relating to the Central Armed Police Force and the Delhi Police, to determine the fitness of a candidate. The scope of jurisdiction of the Court to interfere with the findings of the Medical Board is rather restricted and should not be exercised in such a casual manner.

14. Accordingly, we find that the Impugned Order cannot be sustained. The same is, therefore, set aside.

15. The petition is allowed in the above terms.



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16. There shall be no order as to costs.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 9, 2025/bsn/p/kj