



2025:DHC:2930-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 25.04.2025

+ W.P.(C) 1966/2025

STAFF SELECTION COMMISSION AND ORS.

.....Petitioners

Through: Mr. Ankit Raj, Senior Panel
Counsel Union of India, Mr. Ali
Mohammed Khan, Mr. Vikram
Kumar, Ms. Insha, Advs.

versus

GAURAV SHARAVAT AND ANRRespondents

Through: Ms. Esha Mazumdar and Ms.
Muskan Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 24432/2025

1. This application seeks an early hearing of the writ petition.
2. With the consent of the learned counsel for the petitioner, the application is allowed, and the matter is taken up for hearing today itself.
3. The application stands disposed of.

W.P.(C) 1966/2025



4. This Petition has been filed by the petitioners, challenging the Order dated 22.03.2024 passed by Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as ‘Tribunal’) in Original Application (O.A.) No. 432/2024 titled ***Punit Kumar and Ors. v. Staff Selection Commission and Ors.***, allowing the said O.A. along with the other batch petitions with the following directions:-

“16. CONCLUSION

16.1 The present OA(s) are accordingly disposed of with a direction to the Competent authority amongst the respondents to conduct a fresh medical examination of the applicant (s) by way of constituting an appropriate medical board (the composition of which should include three ophthalmologists. In case of women candidates, one of the ophthalmologists should be women) in any government medical hospital except the Hospital which has already conducted the initial and the review medical examination.

16.2 Needless to say that the competent authority shall thereafter pass appropriate orders with respect to the candidature of the applicant(s) based on the outcome of such an independent/fresh medical examination.

16.3 The directions contained herein shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order. In the event of the applicant being declared medically fit and subject to his meeting



other criteria, she 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.

16.4 We make it clear that besides the limited directions given above, we have neither examined nor commented upon the merits of the respective claim of the applicant(s) as set forth in these OA. We have examined the case of the parties in respect of visual acuity only. Further, nothing in this order is to be construed as an opinion upon the medical reports or upon the competence of the doctors who have issued it. We record that we are not entitled to comment upon their professional competence.”

5. The learned counsel for the petitioners submits that in the present case, the respondents had been found ‘unfit’ for appointment to the post of Constable (Executive) (Male) by the Detailed Medical Board Examination (DME) on the ground of being suffering from ‘hypertension’. He submits that even in the Review Medical Examination (RME), the same findings were reiterated. In fact, before giving its report, the RME had also directed for the admission of the respondents to a hospital and for their blood pressure reading to be taken three times a day for three days. He submits that all these readings were above normal, indicating that the respondents suffered



from '*hypertension*'. He submits that these reports could not have been set aside by the learned Tribunal in a casual manner, thereby directing the petitioners to carry out a re-medical examination of the respondents. He further places reliance on the Judgement of this Court in *Staff Selection Commission and Ors. Vs. Vineet Kumar and Ors.*, 2024 SCC OnLine Del 8855.

6. On the other hand, the learned counsel for the respondents submits that the petitioners did not comply with the Guidelines applicable to such medical examination. She submits that the Review Medical Examination in Central Armed Police Forces and Assam Rifles for GOs and NGOs' applicable to the Central Armed Police Forces makes it obligatory for the Medical Board to have the candidate admitted in a hospital and other tests are also to be carried out to confirm the findings of such readings before giving their final opinion. She placed reliance on the Judgment of this Court in *Staff Selection Commission & Ors. vs. Mukeem Khan & Anr.*, 2025 SCC online Del 379, in support of her submissions. She submits that no such clinical investigation of the respondents was conducted in the present case before declaring them unfit for appointment.

7. We have considered the submissions made by the learned Counsels for the parties. In the present case, at the stage of the DME, the blood pressure reading of the respondents was taken only once. The respondents challenged this finding before the RME. The RME, in our opinion rightly so, directed the respondents to be admitted to a



hospital and their blood pressure reading to be taken three times a day for three days. The record, however, indicates that the said direction was not followed in either of the cases, and a maximum of two readings on a particular day were taken. Be that as it may, the medical guidelines applicable to the CAPFs, require as under:-

e) For candidates who have been rejected on the ground of hypertension/tachycardia should be admitted/hospitalised by the Board before giving their final opinion regarding the candidate's fitness or otherwise. The hospitalization report should indicate whether the rise in blood pressure is of transient nature due to excitement etc. or whether it is due to any organic disease. In all such cases X -ra y and electro-cardiographic examinations of heart and blood examinations like cholesterol/lipid profile, S. Creatinine etc, tests should also be carried out.”

8. Apart from the recording the blood pressure, the petitioners were also obliged to carry out certain medical examinations in the form of X-ray, Electro-Cardiographic Examinations of Heart and Blood Examinations like Cholesterol/Lipid Profile etc., to support their readings and the findings of the candidates suffering from hypertension. Admittedly these tests were also not carried out. In similar circumstances, this Court in **Mukeem Khan** (supra), had dismissed the petition against the order of the learned Tribunal which had directed the re-medical examination of the respondent.

9. In **Vineet Kumar** (supra), the respondent therein had also been subjected to a blood examination and his lipid profile was also found to be above normal. Therefore, the petitioners had complied with the

