



2025:DHC:3222-DB



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

*Date of decision: 25.04.2025*

+ W.P.(C) 5367/2025

STAFF SELECTION COMMISSION AND ORS.....Petitioners

Through: Mr. Shashank Garg, Sr. Adv.  
with Ms. Vidhi Gupta, GP and  
Ms. Aradhya Chaturvedi, Adv.

versus

SHEETAL SHARMA

.....Respondent

Through: Ms. Esha Mazumdar, Mr. Setu  
Niket, Mr. Shahid Ashfaq, and  
Ms. Muskan Sharma, Advs

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (Oral)**

**CM APPL. 24434 /2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 5367/2025 & CM APPL. 24433/2025**

2. This petition has been filed by the petitioners, challenging the Order dated 14.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No.596/2024 (hereinafter referred to as 'OA'), titled *Sheetal*



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*Sharma v. Staff Selection Commission & Ors.*, allowing the O.A. filed by the respondent herein with the following direction:

*“6. In the conspectus of things, we find that the facts in the present case and the ones in the aforesaid OA are similar. Accordingly, the instant OAs are also disposed of on the same analogy. Respondents are hereby directed to comply with the aforesaid directions (OA No. 519/2024 – **Teekaram Singh Meena vs. SSC and Ors.**) within twelve weeks from the date of receipt of a certified copy of the order.”*

3. Briefly stated, the respondent had applied for the post of Constable (Executive), Female, pursuant to the Advertisement dated 01.09.2023, issued for the recruitment of Constable (Executive) Male and Female in the Delhi Police.

4. The Respondent successfully cleared the initial stages of the recruitment, however, in the Detailed Medical Examination (hereinafter referred to as ‘DME’), *vide* a Report dated 22.01.2024, she was declared ‘unfit’ for appointment on the ground of “*Hallux Valgus*”.

5. Aggrieved thereby, the respondent applied for a Review Medical Examination (hereinafter referred to as ‘RME’). The Review Medical Examination Board referred the respondent for an examination by an Orthopedic specialist at the Guru Teg Bahadur Hospital. By a Report dated 25.01.2024, the specialist opined as under:

*“Correctable Hallux Valgus (L>R) without Functional limitation*



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*Xray B/L foot: No c/o any arthritic changes  
in 1<sup>st</sup> MTP Test”*

6. Despite the above Report, the Review Medical Examination Board, *vide* its Report dated 26.01.2024, declared the respondent ‘unfit’ for appointment by observing as follows:

*“Unfit due to Hallux Valgus”*

7. Aggrieved by the same, the respondent filed the above O.A. before the learned Tribunal, which, as noted hereinabove, has been disposed of with the direction which has been reproduced hereinabove.

8. The learned senior counsel for the petitioners submits that there was a consistent opinion from both the Detail Medical Examination and the Review Medical Examination Boards, which were based on the Report of the Orthopedic specialist, whereby stating that the respondent suffers from “*Hallux Valgus*”. Referring to the Delhi Police (Appointment and Recruitment) Rules, 1980, and specifically to the Appendix attached thereto, he submits that “*Hallux Valgus*” is an absolute ground for declaring a candidate ‘unfit’ for appointment.

9. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, submits that once the respondent had been referred to a specialist, and the opinion of the specialist categorically states that in spite of the condition of the respondent, the respondent is ‘fit’ to perform her duties, the Review



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Medical Examination Board could not have declared the respondent 'unfit' for appointment. She places reliance on the Judgment of this Court passed in *Staff Selection Commission & Ors. v. Aman Singh*, 2024 SCC OnLine Del 7600, and in *Staff Selection Commission vs. Annu* 2025 SCC OnLine Del 2075.

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

11. At the outset, we would first note the relevant stipulation in the Advertisement as far as the medical fitness of a candidate is concerned. Clause 13.1 of the Advertisement, which deals with the same is reproduced hereinunder:

“13. **Medical Standard:**

*13.1 The candidates should be in sound state of health, free from defect/ deformity/ disease, vision 6/12 without glasses both eyes, free from colour blindness and without any correction like wearing glasses or surgery of any kind to improve visual acuity. Free from defect, deformity or disease likely to interfere with the efficient performance of the duties. No relaxation is allowed/ permissible to any category of candidates on this count.”*

*(Emphasis supplied)*

12. A reading of the above would show that the candidate has to be free from defect/deformity/disease, which is, “*likely to interfere with the efficient performance of the duties*”.

13. Even the stipulation in the Delhi Police (Appointment and Recruitment) Rules, 1980, is prescribed as follows:

“(k) *The medical officer will reject a recruit*



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for any disease or defect which is likely to render him unfit for the duties of the particular branch of the service in which he is desirous of being enrolled.

Note.- The following points should not be overlooked:-

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(v) Loss or deformity of fingers, flat feet, hanner toes with painful coms or bursae on the dersum of toes. Halux valgus, halux rigidus, knock-knee, deformity of chest and joints, abnormal curvature of the spine.

(Emphasis supplied)

14. A reading of the above provision would also show that though the Review Medical Board should specifically look for the presence of, *inter alia*, *Hallux Valgus*, however, the primary concern of the Medical Officer has to be that whether this defect is likely to render the candidate 'unfit' for the duties of a particular branch of service in which he/she is desirous of being enrolled.

15. In the present case, the Review Medical Examination Board had referred the respondent to a specialist Orthopedic at the Guru Teg Bahadur Hospital. The specialist had opined that in spite of the presence of *Hallux Valgus* deformity of the respondent, the same would not act as a functional limitation. The Review Medical Board did not give any reasons for still declaring the respondent 'unfit' for appointment.

16. This Court, while dealing with a similar issue in *Staff Selection Commission vs. Annu* (supra), dismissed a similar Writ Petition applying the principles laid down in *Aman Singh* (supra),



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wherein, this Court, while summarizing the principles that would be applicable in cases of recruitment to disciplined Forces and medical standards applicable thereto, has, *inter alia*, opined as under:

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

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*(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.”*

17. Applying the above principle to the facts of the present case, we find no infirmity in the Impugned Order passed by the learned Tribunal.

18. The petition along with the pending applications is, accordingly, dismissed.

19. We, however, clarify that in case, on such re-examination, if the respondent is found fit for appointment, she shall be offered the post that she has applied for, in accordance with the Rules, and in

