



2025:DHC:3014



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

*Date of decision: 28.04.2025*

+ W.P.(C) 5437/2025

STAFF SELECTION COMMISSION (HDQRS) & ANR.

.....Petitioners

Through: Mr. Rajesh Gogna, CGSC  
along with Ms. Priya Singh, GP  
and Ms. Rebina Rai, Adv.

versus

BABITA VERMA

.....Respondent

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

**CORAM:**

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

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

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

**CM APPL. 24760/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 5437/2025 & CM APPL. 24761/2025**

2. This petition has been filed by the petitioner, challenging the Order dated 06.09.2024 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as 'learned Tribunal') in Original Application (O.A.) No. 3484 of 2024 titled '*Babita Verma v. SSC & Anr.*', allowing the said O.A. filed by the respondent herein with the following direction:

*"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*



2025:DHC:3014



*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 the order. In the event the applicant is being declared medically fit, subject to her 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. No costs.”*

3. The respondent had applied for the post of Constable (Exe.) Female pursuant to the Advertisement issued by the petitioner on 01.09.2023 for the said post.

4. She was declared medically ‘unfit’ for the appointment by the Detailed Medical Examination (‘DME’) Board *vide* a report dated 23.01.2024 with the following remark:

*“ Unfit on account of Little finger deformity middle IP jts.”*

5. In Paragraph 14 of the said report, the DME reported an abnormality in the Loco motor system of the respondent as under:

*“ Little finger (L) Hand fixed flexion of MIP joints.”*



2025:DHC:3014



6. Dissatisfied with the above report, the respondent requested for a Review Medical Examination ('RME').

7. At the stage of the RME, the RME Board referred the respondent for an opinion of an Orthopaedic Department for any functional deformity. The Radiologist, by its report dated 25.01.2024, reported as under:

*" Soft tissue are normal.*

*There is loss of joint space involving PIP joint of right little finger & the same is held in flexion position.*

*Rest of the bones & joints appear normal.*

*No cortical breach/budding.*

*IMP:*

*F/S/O Osteoarthritis changes in PIP joint of right little finger with flexion deformity."*

8. Along with the report are the X-Ray films of the right hand of the respondent. It is important to note here that the Orthopaedic Department had referred for an X-Ray of the Right Hand of the respondent.

9. Based on the above report, the Review Medical Board by its report dated 26.01.2024, declared the respondent 'unfit' for appointment with the following remark:

*" Flexion Deformity right little finger."*

10. The respondent obtained an opinion from the M.G.M. Medical College and approached the learned Tribunal in form of the above OA, challenging the reports of the medical examination conducted by





2025:DHC:3014



counsels for the parties.

17. In the present case, the respondent had been declared medically 'unfit' for appointment by the DME, finding a deformity in her little finger of the Left Hand, while the RME declared her 'unfit' for appointment finding a deformity in the right hand. There is, therefore, clear contradiction between the reports of the DME and the RME. Why the respondent was referred for an X-Ray of the Right Hand, is also not becoming evident from the record.

18. Added to above, while the RME specifically referred the respondent to the Orthopaedic Specialist for an opinion on the functional effect of the deformity, the Orthopaedic Specialist gives its opinion on the Right Hand Deformity of the respondent that too is in not very clear terms.

19. Given the above peculiar facts and following the judgement of this Court in *Aman Singh* (supra), we therefore, find no fault in the direction issued by the respondent.

20. The petition along with pending application is, accordingly dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**APRIL 28, 2025** /Pr/Mw/Ik

*Click here to check corrigendum, if any*