



2026:DHC:7694-DB



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

% ***Date of Decision: 08.09.2026***

CNR No. DLHC010716832024

+ W.P.(C) 14635/2024, CM APPL. 61439/2024

UNION OF INDIA AND ORS.

.....Petitioner

Through: Mr. Siddhartha Shankar Ray,
CGSC along with Ms. Sonali
Modi and Mr. Mukul Dev,
Advs.

versus

BEENA WASKLE

.....Respondent

Through: Mr. Rajesh Chauhan, Adv.

(29)

+ # **CNR No. DLHC010722222024**

+ W.P.(C) 14670/2024, CM APPL. 61625/2024

GOVT OF NCT OF DELHI AND ORS

.....Petitioner

Through: Mr. Siddhartha Shankar Ray,
CGSC along with Ms. Sonali
Modi and Mr. Mukul Dev,
Advs.

versus

YOGIRAJ

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MS. JUSTICE SHAIL JAIN

J U D G M E N T (ORAL)

ANIL KSHETARPAL, J.:

1. This order shall dispose of the present two (02) Writ Petitions, which arise out of the recruitment process undertaken for appointment



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to the post of Constable (Executive), Male and Female, in Delhi Police pursuant to the Notification dated 01.09.2023. Since the issues arising in both the Writ Petitions emanate from the same recruitment process and the orders passed by the Central Administrative Tribunal, Principal Bench, New Delhi ['CAT'], the two Petitions are being taken up together.

2. For the sake of convenience, W.P.(C) 14635/2024 is taken up as the lead matter.

3. W.P.(C) 14635/2024 has been preferred by the Petitioners assailing the order dated 10.05.2024 passed by the CAT in O.A. No.969/2024 titled ***Sonali Damne & Ors. v. Union of India & Ors.*** The Respondent herein, Ms. Beena Waskle, was one of the applicants before the CAT.

4. The Respondent had participated in the recruitment process pursuant to the Notification dated 01.09.2023 for appointment to the post of Constable (Executive), Male and Female, in Delhi Police. The recruitment process comprised, *inter alia*, the Computer Based Examination, Physical Endurance and Measurement Test and medical examination of the finally selected candidates.

5. The Notification dated 01.09.2023 prescribed the medical standards applicable to the candidates. Insofar as tattoos were concerned, Clause 13.2 of the Notification permitted tattoos depicting religious symbols or figures and names as followed in the Indian Army, subject to the stipulated requirements regarding their location and size. In particular, tattoos on the inner aspect of the forearm were



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permissible only on the *left forearm, being the non-saluting limb*, besides the other permissible location stipulated therein.

6. The Respondent successfully participated in the Computer Based Examination as well as the Physical Endurance and Measurement Test. She was thereafter subjected to Detailed Medical Examination at the Composite Hospital, CRPF, Jharoda Kalan, New Delhi on 23.01.2024. In the Detailed Medical Examination, she was declared unfit on account of, *inter alia*, a tattoo over the right forearm.

7. The Respondent thereafter underwent Review Medical Examination on 26.01.2024. The Review Medical Board also declared her unfit on account of a tattoo over the right forearm flexor surface. Consequently, no offer of appointment was issued to her.

8. Aggrieved by the aforesaid decision, the Respondent approached the CAT. The CAT, by its order dated 10.05.2024, allowed the O.A. and directed that the Respondent be subjected to re-medical examination by a duly constituted Medical Board, including a specialist in the relevant field, who would render an opinion in the light of Clause 13.2 of the Notification dated 01.09.2023. The CAT also disposed of other O.As. filed by similarly situated candidates on the same terms.

9. The Petitioners have assailed the aforesaid direction primarily on the ground that the Respondent had been examined by the duly constituted Medical Board and thereafter by the Review Medical Board; that the Review Medical Board had found her medically unfit; and that the medical standards contained in the recruitment



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Notification, the Delhi Police (Appointment and Recruitment) Rules, 1980 and the Standing Order dated 08.06.2022 were required to be applied as such.

10. It has also been contended that the Respondent was aware of the applicable medical standards at the time of participating in the recruitment process and had expressly declared that she had read and accepted the terms and conditions of the examination. Reliance has been placed by the Petitioners on various judgments dealing with the limited scope of judicial review over the opinion of duly constituted Medical Boards and the requirement that the terms of a recruitment advertisement be scrupulously followed.

11. W.P.(C) 14670/2024 arises from the order dated 28.05.2024 passed by the CAT in O.A. No.589/2024 titled ***Shri Yogiraj v. Govt. of NCT & Ors.***

12. The Respondent in the said petition had also participated in the same recruitment process. After qualifying the Computer Based Examination and the Physical Endurance and Measurement Test, he was subjected to Detailed Medical Examination at Referral Hospital, ITBP, Greater Noida on 21.01.2024 and was declared unfit on account of “*Inguinal Hernia*”. He thereafter underwent Review Medical Examination on 29.01.2024, when the Review Medical Board also found him unfit on account of “*Right Inguinal Hernia*”.

13. The CAT, by order dated 28.05.2024, directed that the Respondent be subjected to re-medical examination by a duly constituted Medical Board, including a specialist in the relevant field,



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who would render an opinion in the light of the applicable Advertisement.

14. The Petitioners have challenged the said direction, contending that the Respondent had already been examined by the duly constituted Medical Board as well as the Review Medical Board; that no mala fides had been alleged against the doctors who had conducted the medical examinations; and that, in the absence of any infirmity in the medical examination process, the CAT ought not to have directed a further medical examination.

15. Thus, in both the Writ Petitions, the Petitioners have assailed the directions issued by the CAT for subjecting the respective Respondents to a further medical examination, essentially contending that the medical examination and review medical examination had been duly conducted in accordance with the prescribed recruitment standards.

16. The aforesaid controversy, however, has to be considered in the light of a subsequent development which has taken place during the pendency of these Writ Petitions and which has a material bearing on the relief to be granted.

17. On 20.08.2026, when these Petitions were taken up for consideration, learned counsel appearing for the Respondents submitted that the Petitioners had, in fact, permitted re-medical examination of nearly 25 candidates who had been similarly situated and that such candidates had thereafter been permitted to join service. It was specifically submitted that some of those candidates had tattoos



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on their forearms.

18. Learned counsel appearing for the Petitioners, at that stage, stated that he had no knowledge of the aforesaid development.

19. In view of the aforesaid position, this Court, by order dated 20.08.2026, directed the Commissioner of Police, Delhi Police Headquarters, to file a personal affidavit disclosing the number of candidates who had been permitted to join service pursuant to re-medical examination. The relevant direction reads as under:

“4. In view of the aforesaid position, the Commissioner of Police, Delhi Police Headquarters, is directed to file a Personal Affidavit disclosing the number of candidates who have been permitted to join service pursuant to re-medical examination, within a period of one week from today.”

20. The matter has thereafter been taken up today. Learned counsel appearing for the Petitioners fairly states that, out of a total of 35 candidates, 33 candidates were subjected to re-medical examination and were thereafter given appointment.

21. It is, therefore, not in dispute that, subsequent to the orders passed by the CAT, a substantial number of candidates forming part of the same recruitment process and similarly situated in the context of the medical examination were, in fact, subjected to re-medical examination and, upon such re-medical examination, were granted appointment.

22. The aforesaid subsequent development assumes significance. The Petitioners’ challenge to the orders passed by the CAT proceeds on the premise that the original Detailed Medical Examination and



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Review Medical Examination were final and that there was no justification for directing a further medical examination. However, the subsequent conduct of the Petitioners demonstrates that re-medical examination has, in fact, been undertaken in respect of 33 out of 35 candidates and such candidates have thereafter been granted appointment.

23. This Court is conscious of the fact that the Petitioners have raised several issues concerning the interpretation and application of the medical standards contained in the Notification dated 01.09.2023, the Delhi Police (Appointment and Recruitment) Rules, 1980 and the Standing Order dated 08.06.2022. The Petitioners have also relied upon judgments laying down the principles governing judicial review of medical opinions and the requirement of adherence to the terms of a recruitment notification.

24. However, in view of the subsequent factual development brought to the notice of this Court, it is not necessary for this Court to enter into an adjudication of each of the aforesaid contentions in the present proceedings. The question which now arises for consideration is whether, in the peculiar facts which have emerged during the pendency of these Petitions, the Respondents herein can be denied the same opportunity of re-medical examination which has already been extended to 33 similarly situated candidates from the same recruitment process.

25. In this regard, it is also significant that this Court had specifically directed the Commissioner of Police, Delhi Police



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Headquarters to place the relevant factual position before the Court by way of a personal affidavit. Despite the specific direction contained in the order dated 20.08.2026, no such personal affidavit has been filed.

26. The Petitioners have, nevertheless, through their counsel, admitted before this Court that 33 out of 35 candidates were subjected to re-medical examination and were thereafter appointed. In the absence of the personal affidavit directed by this Court, and particularly in view of the admission made by learned counsel appearing for the Petitioners, an adverse inference necessarily follows against the Petitioners in respect of the non-disclosure of the complete factual position directed to be placed before this Court.

27. The Court is not oblivious to the distinction between the original medical findings in the two cases. In the case of Ms. Beena Waskle, the Respondent was declared unfit on account of a tattoo over the right forearm flexor surface, whereas in the case of Yogiraj, the Respondent was declared unfit on account of right inguinal hernia. Nevertheless, the relief presently under consideration does not require this Court to record a finding that either of the original medical opinions was incorrect. Nor does the direction issued herein amount to an adjudication that the medical standards prescribed under the recruitment Notification are invalid or that the original Medical Boards acted contrary to the applicable Rules.

28. The limited question is whether, once the Petitioners themselves have permitted re-medical examination of 33 candidates out of the 35 candidates falling within the relevant category and have thereafter



granted appointment to those candidates, the Respondents before us ought to be placed on a different footing without any justification being disclosed to the Court.

29. In the considered view of this Court, the answer has to be in the negative. The subsequent course of action adopted by the Petitioners has created a factual situation in which the Respondents are entitled to be considered for the same course of action. The Petitioners cannot, on the one hand, challenge the CAT's direction for re-medical examination as being impermissible, while, on the other hand, permit re-medical examination of 33 similarly situated candidates and thereafter grant them appointment.

30. This Court accordingly considers it appropriate, in the peculiar facts and circumstances which have arisen during the pendency of these Petitions, to maintain parity between the Respondents and the candidates who have already been subjected to re-medical examination.

31. Consequently, the Petitioners shall permit the Respondents, namely, Ms. Beena Waskle in W.P.(C) 14635/2024 and Yogiraj in W.P.(C) 14670/2024, to undergo re-medical examination by a duly constituted Medical Board, in accordance with the applicable recruitment norms and in the same manner as has been undertaken in respect of the aforesaid 33 similarly situated candidates.

32. It is clarified that the aforesaid direction is being issued in view of the subsequent factual developments brought on record during the pendency of these writ petitions and the admitted position regarding



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re-medical examination and appointment of 33 similarly situated candidates. The direction shall not be construed as a declaration that the original medical reports or the prescribed medical standards are otherwise invalid.

33. Insofar as the Respondents are concerned, the result of the re-medical examination shall be dealt with by the competent authority in accordance with the applicable Rules, the recruitment Notification and the medical standards governing the recruitment process.

34. In view of the aforesaid, the challenge to the Impugned Orders does not survive for further adjudication. The Writ Petitions are accordingly disposed of in the above terms.

35. The pending applications also stand disposed of.

ANIL KSHETARPAL, J.

SHAIL JAIN, J.

SEPTEMBER 08, 2026

s.godara/pal