



2026:DHC:2398-DB



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

*Date of Decision: 20.03.2026*

+ W.P.(C) 2231/2025 & CM APPL. 10442/2025

GOVT OF NCT DELHI & ANR. ....Petitioners

Through: Mr. Premtosh K. Mishra, CGSC  
with Mr. Shrey Sharma, Mr.  
Anubhav Upadhyay and Mr.  
Arpit Bamal, Advs.

versus

KRISHNA NAND SINGH YADAV ....Respondent

Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE ANIL KSHETARPAL**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**J U D G M E N T ( O R A L )**

**ANIL KSHETARPAL, J.:**

1. The matter has been called twice.
2. Today, the Respondent has not entered appearance.
3. Through the present Writ Petition, the Petitioners assail the Order dated 27.08.2024 [hereinafter referred to as the "Impugned Order"] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'] in Original Application (O.A.) No. 2386/2024 captioned *Krishna Nand Singh Yadav vs. Govt. of NCT Delhi & Anr.*, whereby the learned



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Tribunal directed that the Respondent-candidate be subjected to a fresh medical examination before an appropriate Medical Board in a Government hospital other than the hospital which had conducted the detailed and review medical examination, and further directed that, in the event of his being found medically fit and otherwise eligible, he be granted appointment with consequential benefits on a notional basis.

### **FACTUAL BACKGROUND**

4. The controversy arises out of recruitment to the post of Constable (Executive), Male/Female, in Delhi Police Examination, 2023. The recruitment was undertaken under the Delhi Police (Appointment and Recruitment) Rules, 1980, the applicable standing instructions, and the advertisement dated 01.09.2023 issued by the Staff Selection Commission. Online applications were accepted from 01.09.2023 to 30.09.2023; the Computer Based Examination was conducted from 14.11.2023 to 03.12.2023; and the result was declared on 31.12.2023. The Respondent applied for the post of Constable (Executive) Male and qualified the earlier stages of the process.

5. The Petitioners plead that, in order to complete the medical examination process in a time-bound manner, the Ministry of Home Affairs issued directions on 16.01.2024 for constitution of Medical Boards for conducting the Detailed Medical Examination and the Review Medical Examination through CAPF hospitals. Pursuant thereto, Medical Boards were constituted at designated centres, including Composite Hospital, CRPF, Jharoda Kalan, New Delhi.



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6. The Respondent was thereafter subjected to Detailed Medical Examination [hereinafter referred to as “DME”] in January 2024 and was declared medically unfit. At his instance, a Review Medical Examination [hereinafter referred to as “RME”] was also conducted on 27.01.2024, in which the opinion of unfitness was maintained. The Petitioners state that the DME found the Respondent unfit on account of “*Right dome of diaphragm mild raised with blunt CP angle*”, whereas the RME continued the disqualification by recording “*HRCT (Chest) showing - F/o ineffective etiology ? Chronic*” and reason for medical unfitness as “*Right dome of diaphragm is mild rise with blunted CP angle.*” The Respondent was declared medically unfit for the post by the Medical Board and again by the Review Medical Board on the same underlying condition.

7. Consequent upon the aforesaid medical opinion, no appointment came to be issued in favour of the Respondent. The Respondent thereafter relied on a subsequent medical opinion obtained outside the recruitment process, which, according to him, cleared him of the medical condition recorded by the Medical Board and the Review Medical Board. On that basis, he instituted O.A. No. 2386/2024 before the learned Tribunal, seeking, *inter alia*, setting aside of the medical reports and a direction for fresh medical examination in a Government hospital in NCR and, if found fit, appointment with consequential benefits.

8. The Petitioners opposed the Original Application and contended before the learned Tribunal that there exists no provision for any further medical re-examination after the Medical Board and the



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Review Medical Board; that the Respondent had already been medically examined twice; and that interference would amount to sitting in appeal over expert medical opinion rendered within the prescribed recruitment framework.

9. The learned Tribunal, hearing the matter at the admission stage, referred to an earlier judgment of this Court in *Vijay v. Union of India & Ors.*<sup>1</sup>, noted that several decisions of the Tribunal had, in similar circumstances, directed fresh medical examination, and thereafter relied on the order passed in O.A. No. 519/2024, titled “*Teekam Singh Meena Vs. Staff Selection Commission*”. Proceeding on the footing that it could not take a divergent view, the learned Tribunal directed a fresh medical examination of the Respondent before an independent Medical Board in another Government hospital and further directed consequential consideration for appointment on notional terms.

### **ISSUE FOR CONSIDERATION**

10. The question that arises for consideration is whether, in the facts of the present case, the learned Tribunal was justified in directing a fresh medical examination of the Respondent-candidate, notwithstanding concurrent findings of unfitness for the post in the Detailed Medical Examination and the Review Medical Examination, and without identifying any case-specific infirmity in the medical examination warranting such interference.

### **ANALYSIS AND FINDINGS**

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<sup>1</sup> 2023:DHC:1998-DB



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11. The Impugned order dated 27.08.2024 was passed prior to the judgment of this Court in *Staff Selection Commission v. Aman Singh*<sup>2</sup>, pronounced on 24.10.2024. The controversy in the present writ petition must, therefore, necessarily be examined in the light of the principles authoritatively declared therein. *Aman Singh (Supra)* makes it clear that, while judicial review of medical disqualification is not wholly excluded, the governing principle in recruitment to disciplined forces such as the police is one of circumspection. The standards of fitness are higher and stricter; the Court does not sit in appeal over the opinion of duly constituted Medical Boards; and interference is confined to limited situations such as breach of prescribed procedure, a notable discrepancy between DME and RME on the disqualifying condition, absence of specialist evaluation where required, disregard of material generated within the recruitment process, or some comparable infirmity affecting fairness or legality.

12. Equally, as explained in *Aman Singh (Supra)*, and reiterated in *SSC v. Amit Goswami*<sup>3</sup>, a medical opinion obtained by the candidate independently, whether from a private practitioner or from another Government hospital, does not by itself furnish a legitimate basis to reopen the medical examination. The reason is that the designated Medical Boards assess fitness not in the abstract, but in the specific context of service in the force concerned. Once the Medical Board and the Review Medical Board are otherwise shown to be competent and duly constituted, an outside report procured by the candidate of his

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<sup>2</sup> 2024 SCC OnLine Del 7600

<sup>3</sup> 2024 SCC OnLine Del 7985



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own volition cannot displace their opinion merely because it is favourable to him.

13. At the same time, *Aman Singh* (*Supra*) does not lay down that a fresh medical examination can never be directed. Where the record discloses a genuine procedural infirmity, absence of specialist assessment in a case requiring such expertise, or some other legally cognisable defect in the medical process, judicial intervention may be warranted. The important point, however, is that the exercise must be case-specific. That is also the tenor of the order passed by this Court in *SSC v. Ravina Meena*<sup>4</sup>, where the unreasoned Order of the Tribunal was set aside, and the matter remanded precisely because the Tribunal had not dealt with the individual facts of the case in the light of *Aman Singh* and *Amit Goswami*.

14. Tested on the above principles, the Impugned Order cannot be sustained. In the present case, the Respondent was examined first by the DME and thereafter, at his instance, by the RME. In both, the opinion of unfitness for the post applied for was maintained. The description of the condition in the DME and the RME is not identical in phraseology; however, that by itself does not constitute a legally material discrepancy, as the reason for the unfitness was the same.

15. The substance of the matter is that the medical condition on account of which the Respondent was found medically unfit for the post remained undisturbed in the review medical examination. *Aman Singh* (*Supra*) expressly cautions that where the disqualifying

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<sup>4</sup> 2024:DHC:9147-DB



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condition is concurrently affirmed, a mere variation in formulation does not amount to the kind of discrepancy that would justify interference.

16. Nor does the Impugned Order identify any other infirmity. The learned Tribunal did not return a finding that the prescribed procedure governing the recruitment had been breached. It did not hold that the Medical Boards lacked the requisite expertise. It did not find *mala fides*, bias, perversity, or any illegality in the conduct of the DME or the RME. It did not indicate that any material generated within the recruitment process itself had been ignored.

17. The Impugned order proceeds, instead, because in other matters the Tribunal had adopted a similar course, and it considered itself unable to take a divergent view. That approach cannot be sustained. Parity of disposal cannot substitute for scrutiny of the facts of the individual case.

18. The matter may be viewed from another angle. The condition in question pertains to a medical examination in the context of recruitment to the Delhi Police. Whether the existence of the recorded condition is, by itself, sufficient to disqualify the Respondent from service is not an issue on which this Court can substitute its own view. *Aman Singh (Supra)* makes it clear that once the Court finds no legal reason to distrust the conclusion of the Medical Board and the Review Medical Board regarding the existence of the condition, the question whether that condition renders the candidate unsuitable for the force is



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a matter on which deference is owed to the recruiting agency and the expert medical bodies acting within the recruitment framework.

19. The Court in *Aman Singh (Supra)* has held that where the ailment stood concurrently affirmed and the outside reports relied upon by the candidate were from hospitals approached by him on his own, the learned Tribunal ought not to have referred the matter to a third medical board. The principle is not ailment-specific; it rests on the concurrence of expert opinion within the process and the absence of any legally significant infirmity therein.

20. In the considered view of this Court, therefore, the Impugned Order suffers from a fundamental infirmity. It directed a fresh medical examination without identifying any exceptional circumstance warranting such interference. The Respondent's subsequent medical opinion, procured outside the recruitment framework, could not by itself justify that direction. The learned Tribunal, in effect, granted relief on parity with orders passed in other matters rather than on a legally sustainable evaluation of the individual facts and circumstances of the case.

### **CONCLUSION**

21. In view of the above discussion, this Court is of the opinion that the learned Tribunal was not justified in directing a fresh medical examination of the Respondent.

22. Accordingly, the Writ Petition is allowed, and the order dated 27.08.2024 passed by the learned Tribunal in O.A. No. 2386/2024



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captioned *Krishna Nand Singh Yadav vs. Govt. of NCT Delhi & Anr.*, is set aside.

23. The pending application shall stand closed.

**ANIL KSHETARPAL, J**

**AMIT MAHAJAN, J**

**MARCH 20, 2026**

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