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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.05.2026

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W.P.(C) 8186/2025, CM APPL. 43239/2025 & CM APPL. 8061/2026

NILESH KUMAR YADAVPetitioner

Through: Mr. Arjun Panwar, Adv.

versus

UNION OF INDIA & ORSRespondent

Through: Mr. Vinay Yadav, CGSC along with Mr. Ansh Kalra, Ms. Kamna Behrani, Mr. Neeraj Raj Paulose, Advs. and AC Praveen Kumar, Insp Sanjay Kumar, SI Kumar Gaurav and CT Sandeep Kumar (FHQ).

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.:

CM APPL. 8061/2026 [*For condonation of delay in filing Rejoinder*]

1. By way of the present application, the Petitioner seeks for condonation of delay of 105 days in filing the Rejoinder.
2. For the reasons as stated in the Application, the Application is allowed and the delay is condoned.
3. The Application is disposed of.

W.P.(C) 8186/2025

4. Through the present Petition, the Petitioner, who is serving as Constable/General Duty in Central Industrial Security Force (CISF),



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assails the medical report dated 03.04.2025 issued by the Medical Board constituted at Army Hospital (R&R), New Delhi, whereby the Petitioner has been declared medically unfit on account of mild hydrocele on the right side.

5. The Petitioner also seeks a direction to the Respondents to treat him at par with other candidates, who, according to him, were declared medically fit despite suffering from hydrocele, and to consider him for promotion to the post of Assistant Sub-Inspector/Executive through Limited Departmental Competitive Examination (LDCE) - 2022.

6. The essential facts are not in dispute. The Petitioner participated in the LDCE for selection to the higher post of Assistant Sub-Inspector/Executive. He cleared the written examination as well as the Physical Efficiency Test and Physical Standard Test. He was thereafter subjected to medical examination.

7. In the Detailed Medical Examination (DME), the Petitioner was declared medically unfit on the ground of “*Right Testicular Hypertrophy*”. The Petitioner preferred a Review Medical Examination (RME). The Review Medical Board also declared him unfit.

Aggrieved by the same, the Petitioner sought further medical assessment of his condition and got himself examined in AIIMS, New Delhi which found the Petitioner to be suffering from *minimal hydrocele*.



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8. Finding himself to be suffering only from *minimal hydrocele*, and not ‘*Right Testicular Hypertrophy*’, the Petitioner approached this Court by way of W.P.(C) 933/2025, challenging the reports of the Detailed Medical Board and the Review Medical Board. The said Writ Petition was dismissed by judgment dated 24.01.2025.

9. In the said judgment, this Court had considered the relevant provisions of the Revised Uniform Guidelines for Recruitment Medical Examination for recruitment in CAPFs and Assam Rifles. (MHA OM dated 20.05.2015). The applicable clause is reproduced as under:

6. GENERAL GROUNDS FOR REJECTION

25) Large hydrocele, even if curable by operation. Small hydrocele (if operated upon & no bad scar is left after operation, may be accepted)

This Court had specifically noticed Clause 6(25), which provides that large hydrocele, even if curable by operation, is a ground for rejection, and that small hydrocele may be accepted only if operated upon and no bad scar is left after operation.

10. This Court also rejected the submission that there is any material distinction in the Guidelines between “small hydrocele” and “minimal hydrocele”. It was held that even minimal hydrocele would fall within the disqualifying condition, unless it satisfies the exception provided in the Guidelines.

11. The Petitioner thereafter preferred Review Petition (Rev. Pet.) 94/2025 in the above Writ Petition. In the review proceedings, the



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grievance of the Petitioner was that there was inconsistency in the medical description of his condition. The Detailed Medical Examination referred to unfitness on account of “Right Testicular Hypertrophy”, the report of Review Medical Board referred unfitness on account of “(Right) testicular hypotrophy”. The Petitioner had obtained medical opinion from Government Institute of Medical Sciences, Greater Noida (GIMS) on the above condition before the RME in which the Petitioner was found to be suffering from “Right side minimal Hydrocele”. Further, although the RMB again declared the Petitioner unfit on account of “Right Testicular Hypertrophy”, the descriptive portion of the report mentioned that the Petitioner was suffering from “Hypertrophic Testis”.

12. Finding *prima facie* merit only to the extent that the medical condition required clarification, this Court, *vide* order dated 28.02.2025 in the Petitioner’s Review Petition had directed that the Petitioner be re-examined at Army Hospital (R&R), New Delhi, on the parameters of the applicable medical guidelines. The Court also directed that the Medical Board shall keep in mind the three conditions which had been referred to in the earlier medical records.

13. The order dated 28.02.2025 further recorded that if the Petitioner is found fit, his candidature shall be processed in accordance with the applicable rules, however, if he is declared unfit in the medical examination, no further relief can be granted to him.

14. Pursuant to the said order, the Petitioner was examined by the Medical Board at Army Hospital (R&R), New Delhi. The Medical



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report dated 03.04.2025 records that the Petitioner was found to have mild hydrocele on the right side. The report further records that the Ultrasonography (USG) also showed mild hydrocele on the right side.

15. The Medical Board has also opined that mild right hydrocele had been incorrectly described as testicular hypotrophy by the previous Board. Thus, the ambiguity which persuaded this Court to direct a fresh examination stood addressed by the Medical Board at Army Hospital (R&R).

16. The Board, thereafter, referred to the applicable medical standards, Clause 6(25) of the Medical Guidelines and declared the Petitioner unfit.

17. Learned counsel for the Petitioner submits that the report dated 03.04.2025 is inchoate, inasmuch as it does not explain how mild hydrocele would interfere with the discharge of duties. It is also urged that the Petitioner has been found fit by other medical institutions and that no surgical intervention was advised. Learned counsel further submits that other candidates suffering from hydrocele have been declared medically fit, and therefore the action of the Respondents is discriminatory.

18. This Court is unable to accept the submissions.

19. The scope of the present Petition is narrow. The earlier Writ Petition was dismissed after considering the applicable medical guidelines. In the Review Petition, this Court did not unsettle the interpretation of the Guidelines. The limited reason for directing re-



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examination was the inconsistency in the description of the Petitioner's medical condition.

20. The Medical Board at Army Hospital (R&R) has now clarified that the Petitioner is suffering from mild hydrocele on the right side, and that the earlier description of testicular hypotrophy was incorrect.

21. Once the condition is identified as mild hydrocele, the matter has to be tested against the applicable Guidelines. Para 6(25) of the Guidelines treats hydrocele as a ground for rejection. The exception carved out is only for small hydrocele which has been operated upon and where no bad scar is left after operation.

22. The Petitioner does not dispute that he has not undergone any such operation. The submission that mild hydrocele should be accepted because no surgical intervention was advised by some other medical opinion would require this Court to add an exception which the Guidelines do not contain.

23. The Medical report dated 03.04.2025 also cannot be said to be inchoate merely because it is brief. It records the clinical finding, the Ultrasonography (USG) finding, and the applicable medical standard.

24. The Court, in exercise of jurisdiction under Article 226 of the Constitution, does not sit as an appellate medical authority over the opinion of a duly constituted Medical Board. Interference may be warranted where the opinion is contrary to the Rules, rendered without following the prescribed procedure, ignores material expert opinion, or suffers from perversity or *mala fides*. No such case is made out.



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25. The reliance placed by the Petitioner on medical opinions from other hospitals also does not carry the matter further. Those opinions may record that no active surgical intervention was required. However, they cannot override the assessment of the competent Medical Board constituted for LDCE medical fitness under the applicable CAPF medical standards.

26. The submission founded on the Petitioner's existing service in CISF is also answered by the judgment of the Supreme Court in *Pavnesh Kumar v. Union of India and Ors.*¹, which was also noticed in the earlier Judgment in W.P.(C) 933/2025 dated 24.01.2025. Selection through LDCE is not the same as ordinary promotion in the usual course. The candidate must satisfy all stages prescribed for LDCE, including the medical examination. The fact that the Petitioner is serving in his present rank does not dispense with the medical standards applicable for selection to the higher post through LDCE.

27. The plea of parity with other candidates also cannot be accepted. The Order dated 28.02.2025 did not record any concluded finding that another candidate was declared medically fit. In any event, medical fitness is assessed on the basis of the individual clinical condition of each candidate and the opinion of the competent Medical Board.

28. A direction to declare the Petitioner medically fit cannot be issued merely on the allegation that another candidate may have been assessed differently. After the order passed in review, the Petitioner

¹ 2023 SCC OnLine SC 1583



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was afforded an independent examination by Army Hospital (R&R). The Medical Board at Army Hospital (R&R) has found him unfit. No illegality, arbitrariness or violation of the applicable Guidelines is shown in the said assessment.

29. The vacancies remaining unfilled also do not create any right in favour of a candidate who does not fulfil the prescribed medical standards. Selection through LDCE remains subject to successful completion of all stages of the examination, including medical fitness.

30. In view of the aforesaid, this Court finds no ground to interfere with the medical report dated 03.04.2025. The Writ Petition is accordingly dismissed and pending applications stand closed.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

MAY 21, 2026

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