



2025:DHC:9177-DB



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

+ **W.P.(C) 10510/2023**

RAJEEV YADAV

.....Petitioner

Through: Mr. Ankit Yadav, Ms. Gunjan Rathore, Ms. Shivangi Gulati, Mr. Chaitanya Sonkeria and Ms. Aastha Harshwal, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Ruchir Mishra, Mr. Sanjiv Kr Saxena, Mr. Mukesh Kr Tiwari, Ms. Reba Jena Mishra and Ms. Poonam Shukla, Advs. Mr. Ajay Pal, Law Officer, CRPF, Mr. Athurv, CRPF and Mr. Ramniwas Yadav, CRPF.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

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09.10.2025

OM PRAKASH SHUKLA, J

1. The present writ petition under Article 226 of the Constitution of India has been preferred seeking (i) quashing of the termination letter dated 13.09.2022 and consequently, seeking re-instatement to the post of Assistant Commandant w.e.f. 12.07.2022 with consequential benefits, (ii) quashing of review medical board report dated 17.01.2023 and the revised report forwarded *vide* letter dated 25.03.2023 (iii) disburse salary of the petitioner for his last month of service or alternatively (iv) re-instate the petitioner to the post of Assistant



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Commandant with lighter duties as under Circular dated 01.05.2015 and Standing Order No. 4/11 or (v) grant of *ex-gratia* lumpsum compensation in view of Circular dated 04.08.2017.

2. The petitioner herein joined the Indian Army on 02.04.2005 as a recruit. It is stated that during his training, he sustained a fracture of the tibial bone and was, consequently, invalidated w.e.f. 16.02.2006 under item IV Rule 13(3) of Army Rules, 1954 with the remarks “*Fit for Civil Service but unfit for DSC (Defence Service Core)*”. Thereafter, in 2018, the petitioner cleared the UPSC Central Armed Police Forces¹ examination.

3. During selection to the post of Assistant Commandant, the petitioner was examined by a medical board. It is stated that the Board relied upon the observations made while his dismissal from the Army and hence, declared the petitioner unfit with remarks “*Obvious fracture left Tibia on history and documentation*” on 08.03.2019.

4. Thereafter, the petitioner sought a review. On 10.05.2019, the review board declared him medically fit. Thereafter, on 23.09.2020 Respondent 3 issued an appointment letter in favour of the petitioner to join as Assistant Commandant in the Central Reserve Police Force (CRPF). Accordingly, he reported at CRPF Academy on 12.10.2020 and joined basic training in 52nd Directly Appointed Gazetted Officer (DAGO) Batch and was later relegated to the 53rd Batch.

¹ Hereinafter “CAPF”



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5. It is alleged that during the course of training, the petitioner suffered an injury in his left knee and thus reported to the medical hospital in the institute wherein he was further referred to Artemis Hospital, Gurgaon on 17.11.2020 and Sports Injury Centre at Safdarjung Hospital on 01.12.2020 for medical tests and treatment. Thereafter, a Court of Inquiry was convened to assess the injury suffered by the petitioner wherein it was found that no one in particular was responsible for the injury and same cannot be attributed to service.

6. It is stated that on 19.04.2022, a Medical Board of Officers was constituted to assess the petitioner's condition and reliance was placed on the X-ray report to conclude that the petitioner is not fit for retention in the CRPF. Accordingly, he was terminated *vide* order dated 12.07.2022.

7. Being aggrieved, the petitioner had preferred representations dated 05.08.2022 and 13.08.2022 to the Director General, CRPF but to no avail. Thereafter, the petitioner got himself examined at the Sports Injury Centre, Safdurjung Hospital on 13.08.2022 wherein he was declared fit. The petitioner's case in the present petition is that despite medical reports and certificates declaring him fit, he was terminated.

8. Aggrieved, the petitioner approached this Court *vide* W.P.(C) No. 11953/2022 which was disposed of *vide* order dated 18.08.2022 with the direction to respondents to reconsider his representation.



Thereafter, acting on this Court's direction, the respondents, after considering the case of the petitioner, issued a fresh notice of termination to the petitioner on 13.09.2022 on the ground that the x-ray report depicts "*tibial spiking in both knee joints*" and that the petitioner is having osteoarthritis of both knee joints.

9. Being aggrieved, the petitioner approached this Court by way of W.P.(C) No. 13957/2022. By order dated 27.09.2022, the petition was dismissed with a direction to the respondents to furnish to the petitioner copies of the medical reports dated 19.04.2022 and 01.09.2022. The Court further granted liberty to the petitioner to approach the appropriate forum if any grievance persisted upon receipt of the aforesaid reports.

10. Thereafter, the petitioner by way of W.P (C) 15923/2022 again approached this Court whereby *vide* judgment dated 23.11.2022, this Court directed that a fresh Medical Board be constituted at Army Hospital (R&R), and the petitioner undertook to abide by its findings.

11. A medical board was constituted in light of the above directions and upon examination, it was clearly noted that in view of petitioner's overall medical history, the petitioner was "*Medically Unfit for satisfactory completion of training or for combatised duty in the future in the CAPFs*". This is directly in terms of aforesaid extracted clause from the recruitment rules for the post of Assistant Commandant.

12. This Court notes that the petitioner, on 23.11.2022, had given an



undertaking before this Court that he would abide by the findings of the report of the army hospital (R&R) in his *de novo* examination.

13. Further, there is a categorical finding by the R&R Hospital, in light of MHA Guidelines for Recruitment Medical Examination of CAPF and Assam Rifles of May 2015 Chapter 09 Section IX (2)(viii)(D) and X (a), (b) & (d), that the petitioner is medically unfit for satisfactory completion of training or combatised duty in future in the CAPFs.

14. Though, Mr. Ankit Yadav, learned Counsel for the petitioner has fervently contended, apropos the osteoarthritis from which the petitioner is suffering, that it is only chronic or traumatic osteoarthritis which is notified as a disqualification in the Rules and that osteoarthritic changes are not *per se* a disqualification, we are of the opinion that this argument cannot help the petitioner.

15. Osteoarthritic changes and unfit for satisfactory completion of training or future combatised duty are separately noted disqualifications in the Rules. Therefore, even if we were to ignore the osteoarthritic changes in the petitioner's knees, nonetheless, the finding of the R&R Hospital that the petitioner is medically unfit for satisfactory completion of training or for combatised duty in the future in the CAPFs, directly impacts his case.

16. We are not medical experts and cannot subjectively assess the petitioner's suitability for completing his training or combatised duty.



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Besides, the petitioner has himself undertaken to abide by the decision of the R&R Hospital.

17. In view of the aforesaid, we regret that we are unable to come to the aid of the petitioner.

18. The petition is, accordingly, dismissed.

OM PRAKASH SHUKLA, J

C.HARI SHANKAR, J

OCTOBER 9, 2025/gunn