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

Date of decision: 14.11.2025

+ W.P.(C) 1874/2025 & CM APPL. 8939/2025, CM APPL. 8940/2025

STAFF SELECTION COMMISSION & ANR.Petitioners

Through: Ms. Radhika Bishwajit Dubey,
CGSC with Ms. Gurleen Kaur
Waraich, Ms. Aprajita Verma
and Mr. Vivek Sharma, Advs.

versus

SEEMA SARASWAT

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. In spite of service of notice, none appears for the respondent. The respondent is, therefore, proceeded *ex-parte*.
2. This petition has been filed by the petitioners, challenging the Order dated 27.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 3334/2024, titled ***Seema Saraswat v. Staff Selection Commission & Anr.***, allowing the O.A. filed by the respondent herein, with the following directions:

"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



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 brief facts in which the present petition arises are that the respondent had participated in the selection process for appointment to the post of Constable (Executive) (Female), pursuant to the Advertisement issued by the petitioners on 01.09.2023. At the stage of the Medical Examination, however, she was declared medically ‘unfit’ for appointment by the Detailed Medical Examination (‘DME’) Board in its report dated 22.01.2024, with the following remarks:

“II) Unfit on account of Hyperinflated Lung with COPD Changes”

4. The DME Board, for reaching its conclusion, relied upon the report of the Pain and Spine Hospital, where the respondent had been referred for examination. The Pain and Spine Hospital, in its Chest X-Ray Report dated 20.01.2024, reported as under:

“Lung fields:- Hyper inflated lung field with



*low set diaphragm are seen suggestive of
COPD changes.
Rest of lung fields are clear.”*

5. Aggrieved thereby, the respondent applied for a Review Medical Examination (‘RME’).

6. The RME Board got an HRCT Chest conducted of the respondent from the Doctors Diagnostic Centre, which reported as under:

*“Right apical zone shows few fibro
`parenchymal linear opacities*

*Impression : FIBRO PARENCHYMAL
OPACITIES IN RIGHT APICAL ZONE
LIKELY SEQUALE OF OLD INFECTIVE
ETIOLOGY.”*

7. Relying upon the above, the RME Board, by its Report dated 30.01.2024, again declared the respondent medically ‘unfit’, with the following remarks:

*“Early small airway obstruction in spirometry
with fibro parenchymal opacities of right
apical zone”*

8. The respondent challenged the same before the learned Tribunal by way of the above O.A. The learned Tribunal, simply placing reliance on its earlier Order dated 10.05.2024, passed in O.A. No. 519/2024, allowed the O.A. with the above-quoted directions.

9. We do not approve of the manner in which the learned Tribunal has allowed the above O.A., without considering the above important facts of the case.

10. In the present case, as noted hereinabove, both the DME Board and the RME Board have based their opinions on a clinical



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examination of the respondent as well as on her detailed medical reports. These reports cannot be lightly brushed aside, that too, without any reasons being assigned for doing so.

11. Accordingly, we have no option but to set aside the Impugned Order passed by the learned Tribunal. The petition is allowed in the above terms. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 14, 2025/b/rm/SJ