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

Date of decision: 25.09.2025

+ W.P.(C) 2282/2025 & CM APPL. 10748/2025, CM APPL. 10749/2025

STAFF SELECTION COMMISSION & ANR.Petitioners

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

versus

PRADEEP KUMARRespondent

Through: Ms. Esha Mazumdar, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. 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 the 'Tribunal') in O.A. No. 3324/2024, titled ***Pradeep Kumar v. Staff Selection Commission (Hdqs.) & Anr.***, whereby the learned Tribunal disposed of the said 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 this order. In the event the applicant is being declared medically fit, subject to his meeting other criteria, he 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.”

2. In the present case, the respondent had applied for the post of Constable (Executive) Male in the Delhi Police Examination, 2023, pursuant to the Advertisement issued by the petitioners on 01.09.2023. Having successfully qualified in the Computer Based Examination, the respondent's name appeared in the list of provisionally selected candidates. Thereafter, the respondent appeared for the Detailed Medical Examination (hereinafter referred to as the 'DME') on 22.01.2024.

3. The respondent was declared medically 'unfit' for appointment in the DME on the grounds of "Deformed Little Finger of Right Hand (Contracture with Wound Present) and Cubitus Valgus Left Elbow."

4. Aggrieved thereby, the respondent applied for a Review Medical Examination (hereinafter referred to as the 'RME'), which was conducted on 29.01.2024 by the Review Medical Board. The respondent was also referred for an opinion of an Orthopedic Specialist, who opined as under:



“Above candidate’s deformity/defect may not be accepted due to F.F.D at PIP joint Right little finger as per clause 12 of Grounds for rejection as per guidelines for recruitment medical examination in CAPF”

5. Based on the Orthopedic opinion, the RME declared the respondent ‘unfit’ for appointment on account of ‘Fixed Flexion Deformity in the Proximal Interphalangeal Joint of the Right Little Finger’.

6. Aggrieved by the same, the respondent approached the learned Tribunal by way of the above O.A., challenging the finding of the RME.

7. As noted hereinabove, the learned Tribunal disposed of the O.A. by directing the petitioners to conduct a fresh medical examination of the respondent, by constituting an appropriate medical board in any government hospital, except the one which had already conducted the earlier examinations.

8. The learned counsel for the petitioners submits that there is a consistent opinion of both, the DME and the RME, regarding the respondent suffering from Fixed Flexion Deformity in the Proximal Interphalangeal Joint of the Right Little Finger. She submits that such consistent opinion of the Medical Board could not have been interfered with by the learned Tribunal, especially where it is based on the opinion of a specialist.

9. On the other hand, the learned counsel for the respondent submits that the medical opinion does not indicate whether the aforesaid condition of the respondent would, in any manner, hamper the



performance of duties by the respondent, if appointed, which, according to her, is a precondition for declaring a candidate ‘unfit’ for the appointment. In support of her submission, she places reliance on Clause 13.1 of the advertisement, which reads as under:

“13. Medical Standard:

*13.1 The candidates should be in sound state of health, free from defect/deformity/disease, vision 6/12 without glasses both eyes, free from colour blindness and without any correction like wearing glasses or surgery of any kind to improve visual acuity. Free from defect, deformity or disease likely to interfere with the efficient performance of the duties. No relaxation is allowed/ permissible to any category of candidates on this count.
xxxxxxxxx ”*

10. We have considered the submissions made by the learned counsels for the parties.

11. The fact that the respondent suffers from the aforesaid condition in the little finger is not in dispute. The only submission of the respondent at this stage is whether the said condition would, in any manner, hamper the performance of duties if he is appointed.

12. Clause 13.1 of the advertisement, reproduced hereinabove, states that the candidate must be free from any defect, deformity, or disease likely to interfere with the efficient performance of duties. While both, the Orthopedic report and the RME, have found a deformity in the respondent’s little finger, the reports do not clearly state whether this condition is likely to affect his performance of duties, if appointed.

13. In view of the above, we modify the impugned order only to the



extent that the case of the respondent shall be referred to an Orthopedic specialist other than the one who had earlier opined in the RME. The Orthopedic specialist, after taking into account all the medical records of the respondent and, if required, examining him afresh, shall opine whether the condition of the respondent is likely to interfere with the efficient performance of duties by him.

14. In case the Orthopedic specialist gives an adverse opinion regarding the respondent, his candidature shall be deemed to have been rejected. However, if the opinion is in favour of the respondent, his case for appointment shall be processed by the petitioners.

15. The above exercise must be completed by the petitioners within a period of four weeks from today.

16. If the respondent is required to be present for medical examination, he shall be given at least two weeks' advance notice for the same.

17. In case the respondent is ultimately appointed, he shall be entitled to deemed seniority and consequential benefits, but not to the actual pay for the period prior to his appointment.

18. The petition, along with the pending applications, is disposed of in the above terms.

19. There shall be no orders as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 25, 2025/b/k/HS/DG