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

Date of decision: 28.10.2025

\+ W.P.(C) 1783/2025 & CM APPL. 8572/2025

UNION OF INDIA AND ORS .....Petitioners

Through: Mr. Akshay Amritanshu, SPC with Ms. Drishti Rawal, Mr. Mayur Goyal and Mr. Sarthak Srivastava, Advs.

versus

ANMOL AHIRWAL .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 22.04.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 978/2024, titled ***Anmol Ahirwal v. Union of India Through its Secretary & Ors.***, whereby the learned Tribunal has disposed of the said O.A. in terms of its directions issued in an earlier Order dated 22.04.2024 passed in O.A. No. 597/2024, titled ***Deepak Yadav v. Staff Selection Commission & Ors.***

2. At the outset, we are afraid to note that the learned Tribunal has not discussed the peculiar facts on which the O.A. was filed by the respondent herein and has simply disposed of the O.A. on the basis of

its earlier directions in its earlier Judgment in ***Deepak Yadav*** (supra). We do not approve of this practice of the learned Tribunal

3. In the present case, the Detailed Medical Examination (DME) Board had declared the respondent unfit for appointment to the post of Constable (Exe.) Male in the Delhi Police Examination, 2023, by observing as under:

> *"i) Defective Distance vision.*
> *(ii) Tattoo on Rt. forearm."*

4. The respondent applied for the Review Medical Examination (RME), and *vide* report dated 22.01.2024, the respondent was again declared unfit for appointment, with the following observations:

> *"2. Brief of Review Medical Examination & finding thereof:*
> *(1) Defective distant vision BE 6/60*
> *(2) Tattoo on right forearm*
> *3. Final Opinion:*
> *(a) Fit:*
> *(b) Unfit on account of*
> *(i) Defective Distance vision B/E 6/60*
> *(ii) Tattoo on right forearm."*

5. From a perusal of the Impugned Order, it is evident that the learned Tribunal has not rendered any findings or provided any reasoning for disregarding the DME or the RME reports, and has failed to specify or point out any faults with the aforementioned Medical Reports of the Medical Boards.

6. In ***Staff Selection Commission v. Aman Singh,*** 2024 SCC OnLine Del 7600, this Court, after a detailed examination of the precedents on the issue, laid down the circumstances in which the Court may or may not exercise its power of judicial review while

interfering with the reports of the DME and RME. These are reproduced herein below:

> ***"10.38*** *In our considered opinion, the following principles would apply:*
> *(i) The principles that apply in the case of recruitment to disciplined Forces, involved with safety and security, internal and external, such as the Armed and Paramilitary Forces, or the Police, are distinct and different from those which apply to normal civilian recruitment. The standards of fitness, and the rigour of the examination to be conducted, are undoubtedly higher and stricter.*
> *(ii) There is no absolute proscription against judicial review of, or of judicial interference with, decisions of Medical Boards or Review Medical Boards. In appropriate cases, the Court can interfere.*
> *(iii) The general principle is, however, undoubtedly one of circumspection. The Court is to remain mindful of the fact that it is not peopled either with persons having intricate medical knowledge, or were aware of the needs of the Force to which the concerned candidate seeks entry. There is an irrebuttable presumption that judges are not medical men or persons conversant with the intricacies of medicine, therapeutics or medical conditions. They must, therefore, defer to the decisions of the authorities in that regard, specifically of the Medical Boards which may have assessed the candidate. The function of the Court can only, therefore, be to examine whether the manner in which the candidate was assessed by the Medical Boards, and the conclusion which the Medical Boards have arrived, inspires confidence, or transgresses any established norm of law, procedure or fair play. If it does not, the Court cannot itself examine the material on record to come to a conclusion as to whether the candidate does, or does not, suffer from the concerned ailment, as that would amount to sitting in appeal over the decision of the Medical Boards, which is not permissible in law.*
> (iv) The situations in which a Court can legitimately interfere with the final outcome of the examination of the candidate by the Medical Board or the Review Medical Board are limited, but well-defined. Some of these may be enumerated as under:

(a) A breach of the prescribed procedure that is required to be followed during examination constitutes a legitimate ground for interference. If the examination of the candidate has not taken place in the manner in which the applicable Guidelines or prescribed procedure requires it to be undertaken, the examination, and its results, would *ipso facto* stand vitiated.[79]

(b) If there is a notable discrepancy between the findings of the DME and the RME, or the Appellate Medical Board, interference may be justified. In this, the Court has to be conscious of what constitutes a "discrepancy". A situation in which, for example, the DME finds the candidate to be suffering from three medical conditions, whereas the RME, or the Appellate Medical Board, finds the candidate to be suffering only from one of the said three conditions, would not constitute a discrepancy, so long as the candidate is disqualified because of the presence of the condition concurrently found by the DME and the RME or the Appellate Medical Board. This is because, insofar as the existence of the said condition is concerned, there is concurrence and uniformity of opinion between the DME and the RME, or the Appellate Medical Board. In such a circumstance, the Court would ordinarily accept that the candidate suffered from the said condition. Thereafter, as the issue of whether the said condition is sufficient to justify exclusion of the candidate from the Force is not an aspect which would concern the Court, the candidate's petition would have to be rejected.

(c) If the condition is one which requires a specialist opinion, and there is no specialist on the Boards which have examined the candidate, a case for interference is made out. In this, however, the Court must be satisfied that the condition is one which requires examination by a specialist. One may differentiate, for example, the existence of a haemorrhoid or a skin lesion which is apparent to any doctor who sees the candidate, with an internal orthopaedic deformity, which may require radiographic examination and analysis, or an ophthalmological impairment. Where the existence of a medical condition which ordinarily would require a specialist for assessment is certified only by Medical Boards which do not include any such specialist, the Court would be justified in directing a fresh examination of the candidate by a specialist, or a

Board which includes a specialist. This would be all the more so if the candidate has himself contacted a specialist who has opined in his favour.

(d) Where the Medical Board, be it the DME or the RME or the Appellate Medical Board, itself refers the candidate to a specialist or to another hospital or doctor for opinion, even if the said opinion is not binding, the Medical Board is to provide reasons for disregarding the opinion and holding contrary to it. If, therefore, on the aspect of whether the candidate does, or does not, suffer from a particular ailment, the respondents themselves refer the candidate to another doctor or hospital, and the opinion of the said doctor or hospital is in the candidate's favour, then, if the Medical Board, without providing any reasons for not accepting the verdict of the said doctor or hospital, nonetheless disqualifies the candidate, a case for interference is made out.

(e) Similarly, if the Medical Board requisitions specialist investigations such as radiographic or ultrasonological tests, the results of the said tests cannot be ignored by the Medical Board. If it does so, a case for interference is made out.

(f) If there are applicable Guidelines, Rules or Regulations governing the manner in which Medical Examination of the candidate is required to be conducted, then, if the DME or the RME breaches the stipulated protocol, a clear case for interference is made out."

7. The learned Tribunal, in its Impugned Order, has not given any reason for ordering a re-medical examination of the respondent.

8. Keeping in view the above, the Impugned Order passed by the learned Tribunal cannot be sustained. We, therefore, are constrained to set aside the Impugned Order.

9. The O.A. filed by the respondent herein shall stand restored to its original number before the learned Tribunal, which shall adjudicate the matter keeping in mind the observations made hereinabove and the Judgment of this Court in ***Staff Selection Commission v. Aman Singh***

(supra).

10. The parties shall appear before the learned Tribunal on 18th November, 2025.

11. As none is appearing for the respondent despite the service of notice issued by this Court, the learned Tribunal may consider issuing a fresh notice to the respondent before proceeding further with the O.A. No. 978/2024.

12. The petition, along with the pending application, is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 28, 2025/b/*P/hs*