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

\+ W.P.(C) 10738/2023 & CM APPL. 41627/2023

RAGTE ARJUN YALLAPPA .....Petitioner

Through: Mr. Ajay Garg, Mr. Uday Garg, Ms. Anusha Garg, Ms. Vanshika Gupta, Mr. Soumil Singh Rawat and Ms. Bhavya Gaba, Advs.

versus

STAFF SELECTION COMMISSION AND ORS .....Respondents

Through: Mr. Rajendra Sahu, SPC

**CORAM:**
**HON'BLE MR. JUSTICE C. HARI SHANKAR**
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT (ORAL)**

% **10.12.2025**

**C. HARI SHANKAR, J.**

**1.** This writ petition assails the decision of the respondent to declare the petitioner unfit for recruitment to the post of Constable (GD) in the Central Armed Police Forces[1] on the ground that he suffers from Truncal Acne Vulgaris[2].

**2.** The petitioner participated in the selection conducted by Staff Selection Commission for the post of Constable (GD). He cleared all rounds of selection till the stage when he was subjected to a Detailed

[1] "CAPFs" hereinafter
[2] Acne which affects the trunk of the body

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Medical Examination[3] on 20 July 2023. The Board which conducted the DME found the petitioner to be suffering from Truncal Acne and referred him to a Review Medical Board[4]. The RMB, on 21 July 2023, directed the petitioner to obtain an opinion of a Dermatologist regarding the Acne Vulgaris from which he was found to be suffering.

**3.** The respondent, through a referral document dated 21 July 2023 signed by a member of the RMB, referred the petitioner for dermatological opinion to the Aster CMI Hospital. The petitioner, accordingly, had himself examined by the Aster CMI Hospital which, on 25 July 2023, certified thus:

> "Patient has mild Truncal acne and post inflammatory Hyper pigmentation over the back which will resolve, No active dermatological intervention needed and Fitness can be given."

**4.** Despite the above findings of the Aster CMI Hospital, the RMB, on 26 July 2023, once again found the petitioner unfit for recruitment on the ground that he had extensive Truncal Acne which would interfere in wearing combat gear.

**5.** We have already taken a view, in ***Staff Selection Commission v. Aman Singh***[5]**,** that, where the authorities referred the petitioner to a specialist, the opinion of the specialist would be binding on the authorities. We note the fact that the final decision of the RMB on 26 July 2023 returns a finding which is directly contrary to the finding of the Aster CMI Hospital to which the respondents themselves had

[3] "DME" hereinafter
[4] "RMB" hereinafter
[5] **2024 SCC OnLine Del 7600**

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referred the petitioner. That, in our view, was impermissible. Once the Aster CMI Hospital, *whose opinion the RMB had itself solicited and to whom the RMB had referred the petitioner*, tendered its opinion, the respondent was bound thereby. The RMB could not, therefore, have reiterated its view that the petitioner had "extensive" truncal acne, when the Aster CMI Hospital had certified that the acne was mild, and would resolve. The RMB report does not provide any reason for differing with the view expressed by the Aster CMI Hospital.

**6.** Mr. Garg, learned Counsel for the petitioner, also points out that, according to the applicable guidelines, only severe Acne would be a disqualification and not mild Acne.

**7.** We are inclined to give credence to the finding of the Aster CMI Hospital to the extent it holds that the Acne from which the petitioner is suffering is only mind Truncal Acne which can be resolved.

**8.** Though, ordinarily, we would have been inclined to allow this writ petition in view of the finding given by the Aster CMI Hospital, regarding which there is no reference in the final report of the RMB dated 26 July 2023, we are only concerned about the observation, in the final RMB report, that the Acne from which the petitioner is stated to be suffering would interfere with wearing of combat gear.

**9.** As the Aster CMI Hospital certificate does not indicate whether

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the Acne from which the petitioner suffers would interfere with the wearing of combat gear, ergo, on this limited aspect, we direct the petitioner to be examined by the Army Hospital (Research and Referral)[6], which would return a finding as to whether the Acne from which the petitioner suffers would interfere with wearing of combat gear.

**10.** For this purpose, let the petitioner present himself before the R & R Hospital on 26 December 2025 at 11 am.

**11.** As we are informed that the R & R Hospital may not have a Dermatologist handy when the patient reports, we direct learned Counsel for the respondents to ensure that a copy of this order is forwarded to R & R Hospital immediately so that the R & R Hospital could have a Dermatologist available on the aforenoted date to examine the petitioner to ascertain whether he is in a position to wear combat gear.

**12.** Mr. Garg undertakes that the petitioner would abide by the outcome of the findings of the R & R Hospital.

**13.** Needless to say, if the petitioner is found fit, the result of his selection would be further processed in accordance with applicable procedures.

**14.** The petition is disposed of in the aforesaid terms.

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[6] "R&R Hospital" hereinafter

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**15.** *Dasti* to learned Counsel for the parties.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**DECEMBER 10, 2025/**AR

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