



2025:DHC:2355-DB



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

Date of decision: 04.04.2025

+ W.P.(C) 4340/2025
STAFF SELECTION COMMISSION & ANR.Petitioners
Through: Ms.Saumya Tandon, CGSC,
Mr.Prakhar Mani Tripathi, Adv
versus

BHAVNARespondent
Through: Ms. Meenu Sharma,
Ms.Vaishali Sul Khan, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 20070/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4340/2025 and CM APPL. 20069/2025

2. This petition has been filed, challenging the Order dated 20.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned Tribunal'), setting aside the finding of the Review Medical Board which declared the respondent 'unfit' for appointment and further directing a fresh Review Medical Board to be constituted and appropriate orders to be passed on the basis of the outcome of such fresh medical examination, within a period of twelve weeks of the



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petitioners receiving a certified copy of the Impugned Order.

3. Briefly stated, the respondent had applied for appointment to the post of Constable (Executive), pursuant to the Advertisement issued by the petitioners for the post of Constable (Executive) Male & Female in Delhi Police Examination-2023 on 01.09.2023.

4. Having cleared the various stages of selection, she appeared before the Detailed Medical Examination (in short, 'DME'). In the DME, however, she was declared 'unfit' for appointment with the remarks '*little finger of left hand amputated and hypertension (147/100mmhg)*'.

5. Aggrieved thereof, the respondent appeared for the Review Medical Examination (in short, 'RME'). The RME, however, declared the respondent 'unfit' for appointment on account of '*absent distal Phalanx of left 5th digit*'.

6. The learned counsel for the petitioners submits that the RME found the respondent suffering from '*Absent distal phalanx of left 5th digit*' which is a major defect/deformity and would render the respondent 'unfit' to perform her duties, hence, the learned Tribunal has clearly erred in directing further re-medical examination of the respondent.

7. He further submits that before declaring the respondent 'unfit' for appointment, the respondent was also referred to the Asian Institute of Medical Sciences for an X-ray. In a report dated 24.01.2024, the said Institute informed that the respondent is suffering from '*Absent distal phalanx of left 5th digit*'. He submits that therefore, the RME *vide* its Impugned Report dated 25.01.2024, declared the



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made out by the petitioners in challenge to the Impugned Order.

13. Clause 13.1 of the Advertisement reads as under:

*“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.**”*

(Emphasis supplied)

14. From the above, it would be evident that the Medical Board, if it detects the candidate to be suffering from a defect/deformity/disease, is also to further opine if such defect/deformity/disease is likely to interfere with the efficient performance of the duties by the candidate.

15. While there can be no dispute on the proposition that the consistent view of the Medical Board and the Review Medical Board is to be accorded due recognition and cannot be interfered with in a casual manner, specially keeping in view the fact that the Courts are not medical experts, at the same time, where the Medical Board has not opined on the above vital aspect, the candidate would require a further examination to opine on the same. We draw reference in this regard to the Judgment of this Court in ***Staff Selection Commission & Ors. v. Ravi*** (supra), which held as under:

*“11. Though, therefore, on facts, **Veena** may not be fully applicable, we deem it appropriate, instead of entering into that thicket, to direct the petitioners to refer the matter once more to a Review Medical Board,*

