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

***Date of decision: 05.08.2025***

+ W.P.(C) 5800/2025 & CM APPL. 26411/2025  
STAFF SELECTION COMMISSION AND ANR

.....Petitioners

Through: Mr.P.S. Singh, CGSC with  
Mrs.Annu Singh and  
Ms.Minakshi Singh, Adv.

versus

AMRISH KUMAR

.....Respondent

Through: Ms.Esha Mazumdar and  
Mr.Setu Niket, Ms.Muskan  
Sharma, Adv.

**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 17.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.497/2024, titled ***Amrish Kumar v. Staff Selection Commission & Anr.***, allowing the OA filed by the respondent herein with the following directions:

*"7. In view of the decision taken by this Tribunal in various OAs, we cannot take a divergent view in the present matter. Accordingly, the OA is also disposed of with a direction to the competent authority/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. The brief facts in which the present petition arises are that the respondent, who had applied for the post of Constable (Executive) Male, was declared ‘unfit’ for appointment by the Detailed Medical Examination Board by a Report dated 23.01.2024, with the following remarks:

*“Right Leg varicose veins & Left Leg varicose veins  
(Post operated)”*

3. Aggrieved of the same, the respondent applied for a review medical examination.

4. The Review Medical Examination Board referred him to the Asian Institute of Medical Sciences for a USG-Colour Doppler Peripheral (Venous) of both lower limb and based on the said report as also the opinion of the Chief Medical Officer, Surgical Specialist, Base Hospital, Delhi, ITBP, declared him ‘unfit’ for appointment with the following remarks:

*“v.v. B/L L.L. and also due to post op. case of v.v. on left leg”*



5. Aggrieved thereby, the respondent had approached the learned Tribunal.
6. The learned Tribunal, in a perfunctory manner, merely relying upon its earlier Order dated 14.05.2024, passed in O.A. No. 1587/2024 allowed the OA with the above direction.
7. While we do not approve of the manner in which the learned Tribunal has allowed the OA, however, taking into account that this is a recruitment matter wherein the Impugned Order had been passed way back on 17.09.2024, as a special case, and without it being treated as a precedent, we direct the petitioners to place the entire medical record of the respondent before a specialist in the relevant field for re-examining the medical reports of the respondent and to determine his fitness to perform duties for the post applied for. In case the respondent is found 'fit' for appointment, offer of appointment shall be given to the respondent in terms of the Impugned Order. On the other hand, in case the respondent is declared 'unfit' on such examination, no further challenge to the said report shall be maintainable.
8. The Specialist may also call upon the respondent to be physically present for an examination, if the specialist so desires. For the said purpose, the respondent shall be given at least two weeks' advance notice by the petitioners.
9. The above exercise should be completed by the petitioners within a period of eight weeks from today.
10. The Impugned Order is, accordingly, modified and the petition



2025:DHC:6498-DB



along with the pending application is disposed of in the above terms.

**NAVIN CHAWLA, J**

**MADHU JAIN, J**

**AUGUST 5, 2025/ns/ik**