



2025:DHC:3493-DB



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

***Date of decision: 09.05.2025***

+ W.P.(C) 2262/2025 & CM APPL. 10690/2025  
STAFF SELECTION COMMISSION & ANR. ....Petitioners  
Through: Mr.Premtosh K. Mishra, CGSC  
with Mr.Manish Vashist and  
Ms.Sajal, Advs.

versus

SAURABH TIWARI .....Respondent  
Through: Ms.Esha Mazumdar, Mr.Setu  
Niket and Ms.Muskan Sharma,  
Advs.

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

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioners, challenging the Order dated 09.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.3142/2024, titled ***Saurabh Tiwari v. Staff Selection Commission (Hdqrs.) & Anr.***, allowing the said O.A. filed by the respondent herein with the following directions:

*"10. Keeping in view the aforesaid decision passed by the co-ordinate bench of this Tribunal in the aforesaid OA, we cannot take a divergent view in the matter. Accordingly, the present OA is also disposed of with a direction to the competent authority amongst the respondents 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.*

*11. The aforesaid directions shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order. In the event of the applicant is being declared medically fit and 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) with the Delhi Police, pursuant to the Advertisement dated 01.09.2023, issued by the petitioners.

3. The respondent was declared medically ‘unfit’ for appointment by the Detailed Medical Examination Board (DME), with the following remarks:

*“1. Varicose veins (Bilateral popliteal fossa)  
2. Focally exaggerated lung markings in right lower zone (on chest X-Ray)”*

4. The respondent challenged the same before the Review Medical Examination Board (RME). The RME referred him to a Lung Specialist, who declared him fit for appointment as far as the lung issues are concerned.

5. The respondent was also referred by the RME for a Colour



Doppler Test. The Radiology Report dated 23.01.2024 gave the following report:

*“One incompetent perforator is seen along right GSV suggesting venous insufficiency (varicose vein).  
Adv:- follow up”*

6. The RME, *vide* its Report dated 24.01.2024, declared the respondent ‘unfit’ for appointment due to the presence of ‘*varicose veins along with right GSV*’.

7. The learned counsel for the petitioners submits that since the respondent was referred for a Colour Doppler Test, and in view of the findings of the Radiology Report, he has been rightly declared ‘unfit’ for appointment. He submits that the learned Tribunal, therefore, erred in interfering with the report of the RME.

8. On the other hand, the learned counsel for the petitioners submits that once the Radiology Report itself states that the findings are to be clinically correlated and follow-up advice is to be taken, the RME, which did not consist of a Specialist, could not have declared the respondent ‘unfit’ for the appointment.

9. We find merit in the submission made by the learned counsel for the respondent.

10. Solely based on the Report of the Radiologist, the respondent could not have been declared medically ‘unfit’ by the RME, which did not consist of a Specialist. The Radiology Report itself stated that its findings are to be clinically correlated and that follow-up action is necessary. The respondent should, therefore, have been referred to a Specialist for the said purpose, before any decision regarding his



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medical fitness was taken.

11. Given the above facts, we do not find a case to be made out for interfering with the direction issued by the learned Tribunal.

12. However, as we have found that the only lacuna was that the Radiologist Report had not been shown to a Specialist, there is no need for a complete re-medical examination of the respondent. The medical reports of the respondent shall be placed before a Specialist in the relevant field, and the opinion of the Specialist, who shall also physically examine the respondent, shall be obtained on the medical fitness of the respondent. Based on the said report, further action shall be taken by the petitioners. The entire exercise be completed within a period of three weeks from today.

13. Sufficient advance notice for the respondent to make himself present along with his own medical reports before the Specialist, shall be given by the petitioners to the respondent.

14. The petition along with the pending application is disposed of with the above directions.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MAY 9, 2025/sg/DG**

*Click here to check corrigendum, if any*