



2025:DHC:3965-DB



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

*Date of decision: 15.05.2025*

+ W.P.(C) 3025/2025

COMMISSIONER OF POLICE AND ANR .....Petitioners

Through: Mr.Ashish K. Dixit, CGSC with  
Mr.Shivam Tiwari, Ms.Urmila  
Sharma, Ms.Deepika Kalra and  
Ms.Venni Kakkar, Advs.

versus

KM LAVI

.....Respondent

Through: Ms.Esha Mazumdar, Mr.Setu Niket,  
Mr.Ankit Chauhan and Ms.Muskan  
Sharma, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

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

**CM APPL. 14315/2025**

1. For the reasons stated in the application, the application is allowed.

2. The additional documents are taken on record.

**W.P.(C) 3025/2025 & CM APPL. 14313/2025**

3. This petition has been filed by the petitioners, challenging the Order dated 03.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'learned Tribunal') in O.A. No. 3419/2024, titled *Km Lavi v. Staff Selection Commission & Ors.*, allowing the O.A. filed by the respondent herein with the following directions:



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*“We have considered the rival contentions, we note that all the objections raised by applicants have been considered and rejected by the Tribunal earlier. For the sake of brevity, we do not repeat them herein. However, we note that two govt institutions are giving divergent opinions on the medical fitness of the applicant. Since it is the question of employment, we feel that the applicant deserves one chance. Given the above, the OA is allowed and the respondents are directed to allow the applicant to appear for the rereview medical examination to be conducted by them as per the directions issued by this Tribunal in OA 1857/2024 and also in the present case.”*

4. The respondent had applied for the post of Constable (Executive) (Female) pursuant to the Advertisement dated 01.09.2023 issued for the Recruitment of Constable (Executive) (Male and Female) in the Delhi Police, 2023.

5. The Respondent successfully cleared the initial stages of recruitment, however, in the Detailed Medical Examination (‘DME’), vide a Report dated 21.01.2024, she was declared ‘unfit’ for appointment on the ground of *“Hyperpigmentation below bilateral breast, around nevus and groin area chronic extensive fungal dermatitis”*.

6. Aggrieved thereby, the respondent applied for a Review Medical Examination (RME). The Review Medical Board referred the respondent for an examination by a Dermatologist at the Composite Hospital, CRPF, Jharoda Kalan. By a Report dated 24.01.2024, the specialist opined as under:

*“Tinea Cruris et corporis”*



7. Subsequent to the above Report, the RME, *vide* its Report dated 24.01.2024 declared the respondent ‘unfit’ for appointment by observing as follows:

*“Tinea cruris et corporis”*

8. Aggrieved of the same, the respondent filed the above O.A. before the learned Tribunal, which, as noted hereinabove, has been disposed of with the directions which have been reproduced hereinabove.

9. The learned counsel for the petitioners submits that there was a consistent opinion from both, the Detailed Medical Examination and the Review Medical Examination Boards, in so far as the respondent suffering from the fungal infection is concerned. The opinion was based on the Report of the Dermatologist that the respondent suffers from *“Tinea cruris et corporis”*. He submits that any defect or deformity is an absolute ground for declaring a candidate ‘unfit’ for appointment.

10. On the other hand, the learned counsel for the respondent, submits that no finding has been rendered, either by the DME or the RME, regarding the unfitness of the candidate to discharge duties because of the said medical condition. The learned counsel for the respondent also pointed out to Para 24(2) of the Delhi Police (Appointment & Recruitment) Rules, 1980, to submit that there is no finding on whether the said condition is organic or contagious. The learned counsel for the respondent also referred to the reports dated 29.01.2024 and 19.02.2024 of the Deep Chand Bandhu Hospital, GNCTD, wherein only certain medicines were prescribed



to the respondent for her condition. Further, the learned counsel of the respondent points out to the report of the Dr. Hegdewar Aarogya Sansthan dated 12.07.2024, wherein it has been mentioned after the respondent has undergone some treatment ‘*At present, there is no tinea lesion*’.

11. We have considered the submissions made by the learned counsel for the parties.

12. At the outset, we would first note the relevant stipulation in the Advertisement as far as the medical fitness of a candidate is concerned. Clause 13.1 of the Advertisement, which deals with the same is reproduced hereinunder:

**“13. Medical Standard:**

*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)*

13. A reading of the above would show that the candidate has to be free from defect/deformity/disease, “*likely to interfere with the efficient performance of the duties*”.

14. Even the stipulation in Rule 24(2) of the Delhi Police (Appointment and Recruitment) Rules, 1980, states as follows:

*“24(2) The medical examination shall be conducted in accordance with the*



*instructions contained in Appendix XXX. The medical officer shall test the eye sight, speech and hearing of the candidate, his freedom from physical defects, organic or contagious disease, his age or any other defects or tendency likely to render him unfit for police service. Candidate shall be rejected for any disease or defect likely to render them unfit for the duties of a police officer at any stage.”*

*(Emphasis supplied)*

15. A reading of the above provision would also show that though the Review Medical Board should specifically look for the presence of, *inter alia, organic or contagious disease likely to render him unfit for police service*, the primary concern of the Medical Officer has to be whether this defect is likely to render the candidate ‘unfit’ for the duties of a particular branch of service in which he/she is desirous of being enrolled.

16. This Court while dealing with a similar case of rejection of a candidature on ground of medical condition of *Tinea cruris (extensive)*, in WP(C) 13762/2024, titled **Staff Selection Commission v. Kuldeep** [forming part of the Judgment in **Staff Selection Commission & Ors. v. Aman Singh**, 2024 SCC Online Del 7600], wherein the Respondent therein was referred to a Specialist at Felix Hospital and the Consultant Dermatologist, though prescribed certain medications for the same and opined that the “respondent was medically ‘fit’ from Dermatology side for duties”, the RME thereafter declared the respondent ‘unfit’ for appointment on the ground of *Tinea Cruris (Extensive)*. The said Writ Petition was dismissed by this Court highlighting that the



opinion of the dermatologist regarding the fitness of the respondent ought to have been given weightage by the RME.

17. 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 and Ors. vs. Ravi, 2024 SCC OnLine Del 8048 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, for a specific opinion as to whether the condition of Dextrocardia, from which the respondent suffers, renders him incapable is "likely to interfere with the efficient performance of his duties" as Constable (Executive)."*

18. Applying the above principle to the facts of the present case, we find no infirmity in the Impugned Order passed by the learned Tribunal albeit for the reasons mentioned above.

19. The petition alongwith the pending application is, accordingly, dismissed.

20. It is made clear that the decision of the Medical Board shall be



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final and binding on both parties.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MAY 15, 2025/sg/ik**

*Click here to check corrigendum, if any*