



2025:DHC:202-DB



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

*Date of decision: 16.01.2025*

+ W.P.(C) 522/2025  
NITISH KUMAR

.....Petitioner

Through: Mr.Arjun Panwar, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Jagdish Chandra, CGSC,  
Mr.Shubham Kr. Mishra, Adv.  
with AC Raj Kumar, SI P.  
Devendo, SI Amit Kumar, SI  
Rahul Sinha-CISF

**CORAM:**

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

**HON'BLE MS. JUSTICE SHALINDER KAUR**

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

**CM APPL. 2436/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 522/2025 & CM APPL. 2435/2025**

2. This petition has been filed by the petitioner challenging the Impugned Reports of the Detailed Medical Examination (in short, 'DME') dated 06.12.2024, and the Review Medical Examination (in short, 'RME') dated 12.12.2024, by which the petitioner has been declared '*Unfit*' for appointment to the post of Assistant Sub-Inspector (Executive) in the Limited Departmental Competitive Examination-2022 ('LDCE-2022').

3. The Impugned DME in its Report dated 06.12.2024, has held



the petitioner 'Unfit' for appointment on the grounds of:-

*“Left Testicular Hypertrophy and Scrotal Swelling.”*

4. Upon review, the Impugned RME dated 12.12.2024, has also gone on to hold the petitioner 'Unfit' for appointment for the following reasons:-

*“2) Brief of Review Medical Examination & Finding thereof. Board examined the candidate O/ E- Lt. Sided Scrotal Swelling +ve fluctuations present Board. Further referred him for USG scrotum & specialist opinion. USG scrotum dt 7/12/24 shows. Mild to moderate hydrocele with mild left sided epididymo orchitis mild Rt sided epididymistis seen.*

*Dr. Atul Saraswat Asso. Professor, Gen. Surgery, GIMS opinions Lt hydrocele It epididymorchitis present. He advised. Scrotal support & medicines. As per sensed guidelines for recruitment May 2015, pg 8. Para 6, subpara, 25 & 28 page 35, para XIII, subpara 3(e) & investigation & examination Board declares him UNFIT for Lt Sided hydrocele (Moderate) & Lt epididymoorchitis*

*3) Final Opinion UNFIT*

*a) Lt sided hydrocele (moderate) It*

*b) UNFIT on account of epididymioerchitis”*

5. The learned counsel for the petitioner referring to the Clause 2(6)(25) of the Uniform Guidelines for the Medical Examination Test (MET) for Recruitment in the CAPFs, NSG & AR (in short, 'Medical Guidelines'), submits that it only a large Hydrocele even if curable by operation is a ground for rejection of the candidature. He submits that therefore a small Hydrocele, if operated upon such that no bad scar is left, may be accepted. He then refers to two medical reports of his



examination at Dr. Ram Manohar Lohiya Hospital, New Delhi and at the VMMC & Safdarjung Hospital, New Delhi wherein the doctors have opined that the Hydrocele in the case of the petitioner is small and does not require any active surgical intervention and he is fit to join the duty.

6. The learned counsel for the petitioner submits that the petitioner had been referred to a specialist even in the RME, who had also recorded that the petitioner is suffering from Mild to moderate Hydrocele and therefore, the petitioner was fit for duties.

7. We have considered the submissions made by the learned counsel for the petitioner.

8. Clause 2(6)(25) of the Medical Guidelines reads as under:

**“6. GENERAL GROUNDS FOR REJECTION**

xxx

*25) Large hydrocele, even if curable by operation. Small hydrocele (if operated upon & no bad scar is left after operation, may be accepted).”*

9. A reading of the above would show that as far as the large Hydrocele is concerned, even if it is curable by operation, it is a ground for rejection of candidature. Further, while small Hydrocele by itself is also a ground for rejection of candidature, however, if operated upon and no bad scar is left after operation, the candidature may be accepted.

10. In the present case, it is evident from the Impugned Reports of both DME and RME that the petitioner has left side Hydrocele which

