



2025:DHC:225-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 16.01.2025***

+ W.P.(C) 529/2025

SUNIL KUMAR MEHTA

.....Petitioner

Through: Mr.Himanshu Gautam, Adv.

versus

UNION OF INDIA &amp; ORS.

.....Respondents

Through: Mr.Prajesh Vikram Srivastava,  
SPC with Mr.Bharat Singh, GP  
Mr.Raj Kumar, AC/CISF,  
Mr.P. Devenda SI/CISF,  
Mr.Amit Kumar, SI/CISF and  
Mr.Rahul Sinha, SI/CISF**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)****W.P.(C) 529/2025 & CM APPL. 2446/2025**

1. This petition has been filed by the petitioner, challenging the Reports of the Detailed Medical Examination (in short, 'DME') dated 09.12.2024, and the Review Medical Examination (in short, 'RME') dated 13.12.2024, 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 (in short, 'LDCE-2022' on the ground of him being found to be suffering from 'Distal Phalanx Contractive Deformity'.

2. The learned counsel for the petitioner, referring to Clause 9 (VII) (3) (c) of the Uniform Guidelines for Medical Examination Test





8. With regards to the submission of the learned counsel for the petitioner that the petitioner is already working as a Constable ('GD') with the CISF, the same, in view of the Judgment of the Supreme Court in *Pavnesh Kumar v. Union of India & Ors.*, 2023 SCC OnLine SC 1583, may not have much bearing so far as the Medical Examination of the petitioner for the LDCE-2022 in question is concerned,

9. Clause VII(3)(c), Chapter 9 of the Medical Guidelines, referred hereinabove, reads as under:

**“VII. UPPER EXTREMITIES:**

xxx

**3. Hand and fingers.**

xxx

*(c) Scars and deformities of the fingers or hand that impair normal functioning/free movement of the fingers/hand to such a degree as to interfere with the satisfactory performance of combatised duties, are disqualifying.”*

10. A reading of the above would show that a mere deformity of the fingers or hand would not be a ground to declare a candidate 'Unfit' for appointment, unless such deformity impairs the normal functioning/free movement of the fingers/hand to such a degree as to interfere with the satisfactory performance of the combatised duty of a candidate. In the present case, the Impugned DME and RME reports do not record satisfaction to this condition.

11. Accordingly, we direct that the petitioner be re-examined by a Medical Board to be constituted by the Army Hospital (R & R). We request the Medical Superintendent, Army Hospital (R & R) to



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constitute a Medical Board for the same, which must include a Senior Orthopaedician, within a period of three weeks from today.

12. In case the petitioner is found '*Fit*' for appointment, the further process for his appointment to the post of Assistant Sub-Inspector (Executive) be carried out by the respondents. However, in case the petitioner is found '*Unfit*' for appointment, his candidature would be deemed to have been rejected.

13. With the above directions, the present petition alongwith the pending application is disposed of.

14. *Dasti.*

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**JANUARY 16, 2025/sg/TK**

*Click here to check corrigendum, if any*