



2025:DHC:348-DB



\$~85

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

Date of decision: 22.01.2025

+ W.P.(C) 14177/2024 & CM APPL. 59364/2024 & 59365/2024
UNION OF INDIA AND ORSPetitioners

Through: Ms.Radhika Bishwajit Dubey,
CGSC with Ms.Gurleen Kaur
Waraich, Adv.

versus

ANISH PANDEYRespondent

Through: Mr.Rajesh Chauhan, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioners, challenging the Order dated 04.04.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal'), in OA No. 1386/2024, titled *Anish Pandey v. Union of India & Ors.*, allowing the said Original Application filed by the respondent herein and directing the petitioners herein to conduct a fresh medical examination of the respondent herein by a freshly constituted Medical Board.

2. The respondent had been declared 'unfit' for appointment to the post of Constable (Executive) (Male) in the Delhi Police Examination, 2023 by a report dated 24.01.2024 of the Review Medical Examination Board, which found the respondent to be suffering from "*Gross Deviated Nasal Septum with caudal deviation*".

3. To understand the nature of the medical condition of the



2025:DHC:348-DB



respondent, we had requested the petitioners to have a medical expert (ENT Specialist) join the proceedings today.

4. Dr. Rajesh Kumar Singh from the CRPF is present virtually today. He explains that this condition is specifically mentioned to be a disqualification in the medical guidelines applicable to the Central Armed Forces. He further submits that the condition means that there will be an issue in breathing by the candidate.

5. From the Impugned Order, we find that these issues have not been considered by the learned Tribunal while passing the Impugned Order.

6. In view of the above, we set aside the Impugned Order dated 04.04.2024 and remand the Original Application to the learned Tribunal to decide it afresh in accordance with law.

7. We make it clear that any observation made by the learned Tribunal in the Impugned Order or by us in the present Order, will not influence the learned Tribunal in considering the Original Application filed by the respondent herein afresh on merits.

8. The parties shall appear before the learned Tribunal on 11.02.2025.

9. The petition and the pending applications are accordingly disposed of.

NAVIN CHAWLA, J

HARISH VAIDYANATHAN SHANKAR, J

JANUARY 22, 2025/rv/SJ

Click here to check corrigendum, if any