



2025:DHC:5871-DB



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

***Date of decision: 22.07.2025***

+ W.P.(C) 10438/2025  
STAFF SELECTION COMMISSION AND ORS .....Petitioners  
Through: Mr.Jagdish Chandra, CGSC  
versus

MAHENDRA .....Respondent  
Through:

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

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

**CM APPL. 43319/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 10438/2025 & CM APPL. 43318/2025**

2. This petition has been filed by the petitioners, challenging the Order dated 11.03.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 1000/2024, titled ***Mahendra v. Staff Selection Commission & Ors.***, allowing the O.A. filed by the respondent herein with the following directions:-

*“9. The present OA is accordingly 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 medical hospital except the Hospital which has already conducted the initial and the review medical examination.*



*10. Needless to say that the competent authority shall thereafter pass appropriate orders with respect to the candidature of the applicant on the basis of the outcome of such an independent/ fresh medical examination.*

*11. The directions contained herein 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 being declared medically fit and subject to his meeting other criteria, she 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.*

*12. We make it clear that besides the limited directions given above, we have neither examined nor commented upon the merits of the claim of the applicant as set forth in this OA. Further, nothing in this order is to be construed as an opinion upon the medical reports or upon the competence of the doctors who have issued it. We record that we are not entitled to comment upon their professional competence.”*

3. The present petition was filed only on 01.10.2024, that is, after a period of 7 months from the passing of the Impugned Order. Thereafter, various objections were raised by the Registry of this Court pointing out the defects in the filing. Finally, the petition has been listed before us today, that is, after a delay of about 1 year and 4 months.

4. From a reading of the directions issued by the learned Tribunal, it would be apparent that the respondent was to be subjected to a re-medical examination within a period of six weeks from the date of



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receipt of the certified copy of the Impugned Order.

5. The issue at hand is whether the respondent was medically fit for being appointed to the post of Constable (Executive) (Male) in the Delhi Police Examination - 2023.

6. In matters of appointment, there needs to be urgency shown by the petitioners, as any delay causes further complications, not only for the respondent, who is awaiting and hoping for an appointment in service, but also for the petitioners as also the others, whose seniority may get affected by the outcome of the re-medical examination of the respondent.

7. The petitioners cannot choose to have the matter listed at their own fancy, having total disregard for the rights, hopes and legitimate expectations of the respondent, and in defiance of the order passed by the learned Tribunal.

8. We, therefore, in the exercise of our powers under Article 226 of the Constitution of India, refuse to entertain the present petition.

9. For the reasons stated hereinabove, the petition, along with the pending application, is dismissed only on the ground of delay and laches.

10. The Impugned Order, however, shall not be treated as a precedent for future cases.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**JULY 22, 2025/sg/SJ**