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

*Date of decision: 28.3.2025*

+ **W.P.(C) 8536/2024 & CM APPL. 35015/2024, CM APPL. 52990/2024, CM APPL. 52991/2024**

**RAJESH KUMAR VERMA** .....Petitioner

Through: Ms.Saahila Lamba, Adv.

versus

**UNION OF INDIA AND ORS.** .....Respondents

Through: Ms.Yashaswi, Adv.  
Mr.S.K.Choksey, GP.

**CORAM:**

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

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

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

1. This petition has been filed by the petitioner, challenging the findings of the Review Medical Examination Report dated 11.10.2023, by which the petitioner has been declared 'unfit' for appointment to the post of Constable (Driver) under the Sashastra Seema Bal (in short, 'SSB') under the Scheduled Caste Category.

2. The facts necessary for the adjudication of the present writ petition are that the petitioner had applied for the post of Constable (Driver) in the SSB under the Scheduled Caste Category pursuant to the Notification dated 28.07.2020. He successfully cleared all the three stages of the recruitment process and was shortlisted for the



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Detailed Medical Examination (in short, 'DME'). However, in the DME, *vide* a Report dated 06.10.2023, he was declared 'unfit' for appointment by the Medical Board, on the following grounds:

“i). External Haemorrhoids (Anal fissure) ii).  
Varicose Vein (lt.) leg (anterior).”

3. Aggrieved thereby, the petitioner applied for a Review Medical Board. The Review Medical Board referred the petitioner to the Specialist at the Desun Hospital, Siliguri for the purpose of conducting a Doppler Test for Varicose Vein.

4. The Desun Hospital, Siliguri, by a Report dated 10.10.2023, opined as under:



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ANNEXURE P-4

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**RADIOLOGY**

**DESUN HOSPITAL SILIGURI**  
Medical College Road, Siliguri  
24 Hrs. Helpline : 90316 40000

PATIENT NAME & ADDRESS (REG NO)  
**MR. RAJESH KUMAR VERMA**

PROCEDURE DONE ON : 10.10.2023 REPORTED : 10.10.2023 PATIENT CODE : SD01/PAT/10501485E1

OPD/DOC NO : SD01/OPD/BILL/2023-24/OP40451078

REFERRING DOCTOR : Dr. BSF

ACCESSIONING : RDHS-1/2023-24/0004240 AGE : 28 Yrs SEX : M DATE OF BIRTH

REF. RT. NO

**USG DOPPLER STUDY OF LEFT LOWER LEG (VENOUS SYSTEM)**

One dilated perforator is seen in the mid medial leg with focal varicosities.

The deep veins were compressible when pressure was applied through the transducer.

No evidence of sapheno-femoral or sapheno-popliteal reflux. }


The GSV & the SSV are not dilated.

**IMPRESSION:**

- Dilated medial leg perforator with focal mild varicosities in medial mid leg.

Advice: Sclerotherapy.

Please correlate clinically.



**Dr. S K SAHU**  
WBMC (59878)  
MD (RADIO - DIAGNOSIS)  
Consultant Interventional Radiologist

5. Thereafter, the petitioner was sent to the North Bengal Medical College and Hospital, Darjeeling for their opinion, who opined as under:





***“Brief of Review Medical Examination & Finding thereof***

- *No Haemorrhoids/ Anal fissure noticed.*
- *Tortuous vein over Lt. leg.*
- *USG Doppler study Lt. leg*
- *dilated medical leg perforator with focal mild varicosities in medial mid leg.*

***Final Opinion***

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*Unfit on account of: - Varicose Vein - tortuous Perforator with varicosities (Lt. leg).”*

7. Aggrieved by the above, the petitioner filed the present writ petition on or about 29.05.2024. In the meantime, the provisional list of selected candidates was published by the respondents, on 21.11.2023 and 17.01.2024.

8. The learned counsel for the petitioner submits that in the Doppler Test Report, no evidence of ‘sapheno-femoral or sapheno-popliteal reflux’ was found. Even the North Bengal Medical College and Hospital, Darjeeling had opined that the petitioner was ‘fit’ from surgical point of view. She submits that therefore, the RME has erred in still declaring the petitioner ‘unfit’ for appointment. She submits that the RME could not have acted against the above reports.

9. On the other hand, the learned counsel for the respondent has submitted that it is the DME and RME, who have been charged with the duty to determine if the candidate is fit for appointment to Armed Forces. The reports of the DME and RME have been consistent as far



as presence of varicose veins in the petitioner is concerned. The said reports therefore, form valid basis for rejecting the candidature of the petitioner.

10. We have considered the submissions made by the learned counsels for the parties.

11. In *Staff Selection Commission & Ors. v. Aman Singh*, 2024:DHC:8441-DB, this Court, on a detailed examination of the precedents on the issue of scope of interference with the medical examination reports, has laid down the circumstances in which the Court may or may not exercise its power of judicial review. These are reproduced as under:-

*“10.38 In our considered opinion, the following principles would apply:*

*(i) The principles that apply in the case of recruitment to disciplined Forces, involved with safety and security, internal and external, such as the Armed and Paramilitary Forces, or the Police, are distinct and different from those which apply to normal civilian recruitment. The standards of fitness, and the rigour of the examination to be conducted, are undoubtedly higher and stricter.*

*(ii) There is no absolute proscription against judicial review of, or of judicial interference with, decisions of Medical Boards or Review Medical Boards. In appropriate cases, the Court can interfere.*

*(iii) The general principle is, however, undoubtedly one of circumspection. The Court is to remain mindful of the fact that it is not peopled either with persons having intricate medical knowledge, or were aware of the needs of the Force to which the concerned*









*of the candidate is required to be conducted, then, if the DME or the RME breaches the stipulated protocol, a clear case for interference is made out.*

*(v) Opinions of private, or even government, hospitals, obtained by the concerned candidate, cannot constitute a legitimate basis for referring the case for re-examination. At the same time, if the condition is such as require a specialist's view, and the Medical Board and Review Medical Board do not include such specialists, then the Court may be justified in directing the candidate to be re-examined by a specialist or by a Medical Board which includes a specialist. In passing such a direction, the Court may legitimately place reliance on the opinion of such a specialist, even if privately obtained by the candidate. It is reiterated, however, that, if the Medical Board or the Review Medical Board consists of doctors who are sufficiently equipped and qualified to pronounce on the candidate's condition, then an outside medical opinion obtained by the candidate of his own volition, even if favourable to him and contrary to the findings of the DME or the RME, would not justify referring the candidate for a fresh medical examination.*

*(vi) The aspect of "curability" assumes significance in many cases. Certain medical conditions may be curable. The Court has to be cautious in dealing with such cases. If the condition is itself specified, in the applicable Rules or Guidelines, as one which, by its very existence, renders the candidate unfit, the Court may discredit the aspect of curability. If there is no such stipulation, and the condition is curable with treatment, then, depending on the facts of the case, the Court may opine that the Review Medical Board ought to have given the candidate a chance to have his condition treated and cured. That cannot, however, be*





*the matter must rest there. The Court cannot proceed one step further and examine whether the ailment is such as would render the candidate unfit for appointment as a member of the concerned Force.”*

12. From a reading of the above, it would be apparent that though there can be no absolute exclusion of judicial review against the decision of the Medical Boards, at the same time, the power of the judicial review is limited and the Court can only examine whether the manner in which the candidate was assessed by the Medical Boards and the conclusion drawn by the Medical Boards transgress any established norm of law and procedure of fair play. The Court not being the medical expert, would not venture out to act as an appellate authority against such medical opinion.

13. In the present case, as would be evident from the above, before declaring the petitioner ‘unfit’ for appointment, the RME had referred the petitioner for a Doppler Study to the Desun Hospital, which found ‘one dilated perforator in the mild medical leg with focal varicosities’. Though, the North Bengal Medical College and Hospital, Hospital, Darjeeling, opined that the petitioner is clinically fit from “surgical point of view” and that “no surgical intervention needed at present”, it did report of small tortuous vein over left leg.

14. Paragraph 6 (29) of the Guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles (Revised Guidelines as on May 2015), prescribes the “General Grounds for Rejection”, which reads as under:-

**“6. GENERAL GROUNDS FOR REJECTION**



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29. *Varicose veins. The diagnosis of varicose vein should be made on the basis of dilatation and tortuosity of veins and after confirmation of incompetency of Sapheno-femoral junction/ Sapheno-popliteal junction or perforators by relevant clinical tests. Only prominence of veins should not be criteria for rejection. Cases of Varicose veins, even if operated, are not to be accepted because basic defect remains unchanged.*”

15. Therefore, presence of varicose veins, be it mild or treatable or presently not requiring surgical intervention, is a ground for rejection of the candidate. The petitioner was, therefore, rightly declared ‘unfit’ for appointment by the Review Medical Board.

16. In view of the above, we find no merit in the present petition. The same is, accordingly, dismissed. The pending applications also stand disposed of.

17. There shall be no order as to costs.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MARCH 28, 2025**

**DG/sg**

[Click here to check corrigendum, if any](#)