

Ssc & Ors. vs Ankush on 7 April, 2025

Author: Navin Chawla

Bench: Navin Chawla

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 07.04.2025

+ W.P.(C) 14044/2024
SSC & ORS.

.....Petitioners
Through: Ms.Rukhmini Bobde, CGSC,
Mr.Jatin Dhmiya, Mr.Amlaan
Kumar, Mr.Vinayak Aren,
Advs.

versus

ANKUSH

.....Respondent
Through: Ms.Esha Mazumdar,
Ms.Mus Khan Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

1. This application has been filed seeking permission to file the additional documents on record.
2. For the reasons stated in the application, the application is allowed. The documents are taken on record.

W.P.(C) 14044/2024 & CM APPL. 58776/2024

3. This petition has been filed, challenging the Order dated 15.04.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the „learned Tribunal) in O.A. No.1535/2024 titled Ankush v. Staff Selection Company and Ors., which, on the basis of O.A. 519/2024, titled Teekaram Singh Meena v. Staff Selection Commission & Others, directed the petitioners to have the respondent medically re-examined at any Government Hospital other than to one where the Detailed Medical Examination (in short, „DME) and the Review Medical Examination (in short, „RME) of the respondent was earlier conducted.

4. The respondent had applied for the post of Constable (Executive) (Male) pursuant to the

Advertisement dated 01.09.2023 issued by the petitioners for the recruitment to the said post.

5. Having cleared the initial stages of selection, the respondent appeared before the DME on 22.01.2024, which declared him „unfit for recruitment with the following remarks:

"1) Right leg muscle Atrophy & shortening of right Lower limb,

2) bony hump on right foot dorsum and 3) Impression of right foot present".

6. Aggrieved by the same, the respondent applied for a RME. The RME Board, on 29.01.2024, however, again declared the respondent „unfit for recruitment with the remark "Congenitally muscle wasting of right lower limb".

7. Admittedly, before giving its final opinion, the Review Medical Board had referred the respondent for an expert opinion from a Radiologist. The Radiologist, in his Report dated 26.01.2024, had inter alia opined that there is "no significant abnormality".

8. The respondent was also referred to an Orthopaedic for an expert opinion on 25.01.2024, however, the Report of the Orthopaedic is not available on record.

9. This Court, therefore, vide its Order dated 14.11.2024, called upon the petitioners to place the said Report on record, if available.

10. Today, the learned counsel for the petitioners submits that the said Report is not available and there is no record of the same either.

11. In Staff Selection Commission and Ors. v. Aman Singh, 2024 SCC OnLine Del 766, this Court has, inter alia, observed that where the DME and the RME itself refers a candidate for an opinion from an expert in the medical field, it should abide by the said Report.

12. In the present case, once the RME itself, rightly so, felt the need for referring the respondent to an Orthopaedic for a specialist opinion, we fail to understand how it could have acted without the Report of the expert.

13. In view of the above, though we find that the learned Tribunal has not given any reasons for allowing the OA filed by the respondent, keeping in view that this case relates to a recruitment process and the delay caused would result in administrative chaos instead of remanding the matter back to the learned Tribunal for afresh consideration, we dismiss the petition for the above reasons.

14. The petitioners must have the respondent re-examined by a Medical Board which must include an Orthopaedic within a period of four weeks from today. In case the respondent is found „fit for recruitment, further process for the same shall be carried out by the petitioners. However, in case the Medical Board opines that the respondent is „unfit for appointment, the candidature of the respondent shall stand cancelled with no further appeals.

15. The petition is disposed of in the above terms. The pending application is also disposed of being infructuous.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 7, 2025/Arya/IK Click here to check corrigendum, if any