

Staff Selection Commission & Ors. vs Annu on 27 March, 2025

Author: Navin Chawla

Bench: Navin Chawla

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 27.03.2

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W.P.(C) 3874/2025

STAFF SELECTION COMMISSION & ORS.Petitioners

Through: Ms.Iram Majid, CGSC with

Mr.Mohd. Suboor and

Mr.Seham Khan, Advs.

Mr.Vikas, HC, Delhi Police

versus

ANNU

.....Respon

Through:

Mr.Setu Niket, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 17987/2025 (Exemption)

1. Allowed, subject to all just exceptions.

2. For the reasons stated in the application, the delay of 194 days in filing the writ petition is condoned.

3. The application is disposed of.

W.P.(C) 3874/2025 & CM APPL. 17986/2025, CM APPL.

4. 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 Original Application No.803/2024 (O.A.) titled Annu 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 her meeting other criteria, she shall be given appointment forthwith. The applicant, in such 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."

5. The respondent had applied for the post of Constable (Executive) (Female) pursuant to the Advertisement dated 01.09.2023, issued for the Recruitment of Constable (Executive) (Male and Female) in the Delhi Police, 2023.

6. The respondent successfully cleared the initial stages of recruitment, however, in the Detailed Medical Examination, vide a Report dated 22.01.2024, she was declared „unfit for appointment on the ground of "Hallux Valgus both feet and Urine Epithelial cells".

7. Aggrieved thereby, the respondent applied for a Review Medical Examination. The Review Medical Board referred the respondent for an examination by an Orthopaedic specialist at the Guru Teg Bahadur Hospital. By a Report dated 25.01.2024, the specialist opined as under:

"Hallux Valgus deformity right side without functional limitation of daily activities and candidate is fit from orthopaedic point of view"

8. In spite of the above Report, the Review Medical Examination Board, vide its Report dated 27.01.2024, declared the respondent „unfit for appointment by observing as follows:

"Hallux Valgus deformity (RP) side present"

9. Aggrieved of the same, the respondent filed the above O.A. before the learned Tribunal, which, as noted hereinabove, has been disposed of with the directions which have been reproduced hereinabove.

10. The learned counsel for the petitioners submits that there was a consistent opinion from both the Detail Medical Examination and the Review Medical Examination Boards, based on the Report of the Orthopaedic specialist that the respondent suffers from "Hallux Valgus". Referring to the Delhi Police (Appointment and Recruitment) Rules, 1980, and specifically to the Appendix attached thereto, she submits that "Hallux Valgus" is an absolute ground for declaring a candidate „unfit for appointment.

11. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, submits that once the respondent had been referred to a specialist, and the opinion of the specialist was that in spite of the condition of the respondent, the respondent is „fit to perform her duties, the petitioners/Review Medical Examination Board could not have declared the respondent „unfit for appointment. He places reliance on the Judgment of this Court in Staff Selection Commission & Ors. v. Aman Singh, 2024 SCC OnLine Del 7600.

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

13. At the outset, we would first note the relevant stipulation in the Advertisement as far as the medical fitness of a candidate is concerned.

14. Clause 13.1 of the Advertisement, which deals with the same is reproduced hereinunder:

"13. Medical Standard:

13.1 The candidates should be in sound state of health, free from defect/ deformity/ disease, vision 6/12 without glasses both eyes, free from colour blindness and without any correction like wearing glasses or surgery of any kind to improve visual acuity.

Free from defect, deformity or disease likely to interfere with the efficient performance of the duties. No relaxation is allowed/ permissible to any category of candidates on this count."

(Emphasis supplied)

15. A reading of the above would show that the candidate has to be free from defect/deformity/disease „likely to interfere with the efficient performance of the duties".

16. Even the stipulation in the Delhi Police (Appointment and Recruitment) Rules, 1980, is prescribed as follows:

"(k) The medical officer will reject a recruit for any disease or defect which is likely to render him unfit for the duties of the particular branch of the service in which he is desirous of being enrolled.

Note.- The following points should not be overlooked:-

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(v) Loss or deformity of fingers, flat feet, hanner toes with painful coms or bursae on the dersum of toes. Halux valgus, halux rigidus, knock-knee, deformity of chest and joints, abnormal curvature of the spine.

(Emphasis supplied)

17. A reading of the above provision would also show that though the Medical Board should specifically look for the presence of, inter alia, Hallux Valgus, however, the primary concern of the Medical Officer has to be whether this defect is likely to render the candidate „unfit for the duties of a particular branch of service in which he/she is desirous of being enrolled.

18. In the present case, the Review Medical Examination Board had referred the respondent to a specialist Orthopaedic at the Guru Teg Bahadur Hospital. The specialist had opined that in spite of the presence of Hallux Valgus deformity on the right foot of the respondent, the same would not act as a functional limitation of daily activities and that she was „fit from the Orthopaedic point of view. The Review Medical Board did not give any reasons for still declaring the respondent „unfit for appointment.

19. There is also an inconsistency in the Detail Medical Examination and the Review Medical Examination inasmuch as the Detail Medical Examination had opined that the respondent suffered from a defect of Hallux Valgus in both feet, whereas the specialist and the Review Medical Examination opined that the said defect was present only in the right foot of the respondent.

20. In Aman Singh (supra), this Court, while summarising the principles that would be applicable in cases of recruitment to disciplined Forces and medical standards applicable thereto, has, inter alia, opined as under:

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

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(d) Where the Medical Board, be it the DME or the RME or the Appellate Medical Board, itself refers the candidate to a specialist or to another hospital or doctor for opinion, even if the said opinion is not binding, the Medical Board is to provide reasons for disregarding the opinion and holding contrary to it. If, therefore, on the aspect of whether the candidate does, or does not, suffer from a particular ailment, the respondents themselves refer the candidate to another doctor or hospital, and the opinion of the said doctor or hospital is in the candidate's favour, then, if the Medical Board, without providing any reasons for not accepting the verdict of the said doctor or hospital, nonetheless disqualifies the candidate, a case for interference is made out."

21. Applying the above principle to the facts of the present case, we find no infirmity in the Impugned Order passed by the learned Tribunal.

22. The petition along with the pending applications is, accordingly, dismissed.

NAVIN CHAWLA, J RENU BHATNAGAR, J MARCH 27, 2025/sg/DG Click here to check corrigendum, if any