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

**MANMOHAN; NAVIN CHAWLA, JJ.**

W.P.(C) 14926/2021 & CM 47135/2021; 11.01.2022

**ADHIR KUMAR VERMA versus CENTRAL RESERVE POLICE FORCE & ORS.**

*Petitioner through Mr.Amit Kaushik, Adv.*

*Respondents through Mr.Satya Ranjan Swain, Mr.Kautilya Birat, Advs.*

**NAVIN CHAWLA, J.**

The petition has been heard by way of video conferencing.

1. This petition has been filed by the petitioner challenging the decision of the respondent no.1 declaring the petitioner as 'unfit' for appointment to the post of 'Sub-Inspector Delhi Police, CAPFs and the Assistant Sub-Inspector in CISF Examination, 2019' (hereinafter referred to as the 'SI-CPO Examination Notice, 2019').
2. It is the case of the petitioner that the petitioner made an application pursuant to the SI-CPO Examination Notice, 2019. He qualified the Paper- I and Paper- II in the SI-CPO Examination Notice, 2019 and was shortlisted for a Detailed Medical Examination (in short, 'DME').
3. His DME was conducted by the respondent no.1, wherein he was declared medically unfit on account of '*multiple Chronic Lystic Lesions on Chest and Back*'.
4. The petitioner thereafter applied for a Review Medical Board (in short, 'RMB'), which also declared the petitioner as medically unfit for appointment on account of '*Multiple keloid in Central area of chest and single keloid right scapular area*'.
5. Aggrieved of the above declarations, the petitioner has filed the present petition.
6. The learned counsel for the petitioner submits that the declaration of the petitioner as 'unfit' for appointment is not in accordance with the 'Uniform Guidelines for Recruitment Medical Examination in CAPFs and Assam Rifles: Revised Guidelines as on May 2015' (hereinafter referred to as the 'Medical Guidelines'). Drawing reference to Clause XII of the DME prescribed in the Medical Guidelines, the learned counsel for the petitioner submits that mere presence of keloids is not a disqualification in terms of the Medical Guidelines; it is only where the tendency of keloid is marked or interferes with the proper wearing of combatised equipment that the candidate can be disqualified from appointment. He submits that in the present case, the RMB did not observe that the keloid formation on the petitioner has a tendency of interfering with the proper wearing of combatised equipment and therefore, cannot be used as a ground to disqualify the petitioner.

7. The learned counsel for the petitioner further submits that the petitioner had earlier applied for appointment as a Constable (GD) in the Central Industrial Security Force and after a detailed examination, having been found medically fit, was even given an offer of appointment vide letter dated 18.03.2017. The petitioner, however, could not join due to some personal reason. The petitioner thereafter applied for Sub-Inspector in CPOs Examination, 2017, where again he was declared successful in the medical examination, however, could not make the merit list. The petitioner was also declared medically fit in the similar examination in 2018 in spite of the DME first declaring him unfit on account of '*multiple keloids over chest and back*' as in the present instance. The learned counsel for the petitioner, on the basis of the above, submits that RME in the present recruitment process has not applied the standard as prescribed in the Medical Guidelines and therefore, its finding is liable to be set aside by this Court.

8. The learned counsel for the petitioner submits that the petitioner should be allowed an opportunity of being examined by an independent board of doctors and based on their opinion, his application be processed further by the respondents.

9. Pursuant to the order of this Court dated 23.12.2021, Dr.Rajnish Ranjan, Chief Medical Officer (SG)-Commandant, CRPF, has appeared before us via video conference. He has explained that keloids have a tendency to show in other body parts and cause pain, itching or tenderness. He submits that the multiple keloids suffered by the petitioner will cause itching and pain during training/OPS, especially in hot, humid and sweaty conditions and especially with the petitioner putting uniform and bulletproof jacket for a long time. He has filed before us his opinion and also the opinion of Dr.Sanjoy Ranjan, Medical Officer (OG), CRPF, who was also a part of the RME. The said opinions are reproduced hereinunder:

**Dr. Rajnish Ranjan:**

*"IT IS SUBMITTED that, Individual was declared unfit in initial medical examination for multiple chronic cystic lesions on chest in central area and back of chest.*

*He further appeared before review medical board for review. RME medical board took specialist (Skin) opinion and found unfit him for recruitment in CRPF.*

*Due to—*

*Multiple keloid in central area of chest and single keloid on Rt. Scapular area as per instruction/Guideline for recruitment medical examination in CAPF & AR (Revised Guidelines as on May-2015) issued by GOI, MHA (Police division -II) as mentioned in Page no.33, Para 9 under examination for skin disease and leprosy. It is said that keloid formation, if tendency is marked or interferes with proper wearing of combatised equipment is disqualifying.*

*Regarding keloid it is also submitted that keloid have tendency to show in other body parts if person have develop keloid specially those have multiple keloid it called keloid tendency.*

*Keloid causes pain, itch or tenderness. Person having multiple keloid have keloid tendency also. Multiple keloids will cause itching and pain during training/OPS duty/specially hot and humid and sweat condition specially with putting uniform and bullet proof jacket by friction for long time.*

*In view of above multiple keloids lesion is cause of unfitness in CAPF being uniformed force and having special nature of duties."*

**Dr. Sanjoy Ranjan:**

*"It is submitted that, Individual was declared unfit in initial medical examination for multiple chronic cystic lesions on chest in central area and back of chest.*

*He further appeared before review medical board for review. RME medical board took specialist (Skin) opinion and found unfit him for recruitment in CRPF.*

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*Multiple keloid in central area of chest and single keloid on Rt. Scapular area as per instruction/Guideline for recruitment medical examination in CAPF & AR (Revised Guidelines as on May-2015) issued by GOI, MHA (Police division -II) as mentioned in Page no.33, Para 9 under examination for skin disease and leprosy. It is said that keloid formation, if tendency is marked or interferes with proper wearing of combatised equipment is disqualifying.*

*Regarding keloid it is also submitted that keloid have tendency to show in other body parts if person have develop keloid specially those have multiple keloid it called keloid tendency.*

*Keloid causes pain, itch or tenderness. Person having multiple keloid have keloid tendency also. Multiple keloids will cause itching and pain during training/OPS duty/specially hot and humid and sweat condition specially with putting uniform and bullet proof jacket by friction for long time.*

*In view of above multiple keloids lesion is cause of unfitness in CAPF being uniformed force and having special nature of duties."*

**10.** The learned counsel for the petitioner, however, reiterates that the opinion given by Dr. Rajnish Ranjan and/or Dr. Sanjoy Ranjan does not deal with the fact that in the earlier medical examinations for similar recruitment process, the petitioner was found to be medically fit for appointment. He further submits that these doctors being part of the RMB, would be interested in getting their opinion upheld by this Court and therefore, the petitioner must be afforded a fair opportunity by directing his medical examination by an independent set of doctors.

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

**12.** The finding of the RMB Board finding the petitioner to be suffering from '*Multiple keloid in Central area of chest and single keloid right scapular area*' has not been disputed before us by the petitioner.

**13.** The primary contention of the petitioner is that in terms of Para 9 of the Medical Guidelines, the mere presence of keloids could not have resulted in the petitioner's disqualification; the finding should also have been whether the same would cause interference with the proper wearing of combatised equipment, which is absent in the report of the RMB. We, however, do not find merit in the same. The medical opinion given by Dr. Rajnish Ranjan during the course of the oral hearing today and in his written opinion as also the written opinion of Dr. Sanjoy Ranjan clearly state that the

keloids in the case of the petitioner can cause itching, which can be dangerous not only for the petitioner but also for the other officers at the time of any operation. We have no reason to doubt the above observations of the qualified doctors. Dr. Ranjan has also placed before us the opinion of the specialists, whose opinion was sought at the time of the petitioner's RMB. Though it is correct that the RMB should have clearly recorded in its Report that Keloids suffered by the petitioner are likely to interfere with his wearing combatised uniform, however, in the face of the opinion now given and explained, this would be an omission which cannot invalidate the RMB proceedings or cast a doubt thereon. It must be remembered that the doctors conducting RMB are not men of law who would appreciate the significance of the exactitude of language to be used in giving their opinion.

**14.** As far as the plea of the petitioner that he was declared medically fit in the earlier recruitment process, we again do not find the same sufficient to ignore the RMB report in the present instance, especially where the basic fact of the petitioner suffering from multiple keloids is not denied before us. Under what circumstances was the petitioner declared medically fit in the earlier recruitment process cannot be judged by us in the present petition. It is important to note that no *mala fide* is alleged against the doctors constituting the RMB. These doctors are the best judge of medical fitness or unfitness of a candidate. The Court, in exercise of its power under Article 226 of the Constitution of India, cannot interfere with such findings of the RMB in the absence of any allegation of *mala fide* or arbitrariness by the doctors.

**15.** It is also important to note that the recruitment process is for Armed Forces. The selected candidates would have to perform their duty in most harsh and unfriendly environment. For such recruitment, the candidate should therefore, meet higher standard of medical fitness. Benefit of doubt on medical fitness cannot be given to the candidate. In fact, once there is a doubt, it must be resolved against the candidate.

**16.** In view of the above, we find no merit in the present petition and the same is dismissed.

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