

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No. 282/2021**

**This the 03<sup>rd</sup> day of March, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sushant Padha (Gp. A)  
Aged about 28 years  
S/o Sh. Harmesh Chandra Sharma  
R/o Village Govindsar  
Near Railway Station Kathua  
Jammu and Kashmir 184102. .... Applicant

(through Sh. A.K. Behera, Advocate)

**Versus**

1. Union of India  
Through the Secretary  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
North Block, New Delhi-110001.
2. All India Institute of Medical Sciences  
Through its Director  
Ansari Nagar, New Delhi-110023.
3. Central Standing Medical Board  
Through its Chairman  
Safdarjung Hospital, New Delhi-110023.
4. Shri P. Kadiravan  
Rank No. 816, CSE 2019  
(To be served through Respondent No. 1)  
.... Respondents

(through Sh. R.K. Sharma and Sh. K.P. Gautam, Advocate)



**ORDER (Oral)****Justice L. Narasimha Reddy, Chairman:**

The applicant took part in the Civil Services Examination, 2019. He claimed the status of persons with disability. On the basis of the performance in the preliminary and main examination, he was short listed. However, in the context of ascertaining his entitlement to be extended the benefit of reservation, he was subjected to the examination by a preliminary medical board and thereafter an appellate medical board. In both the cases, he was certified to be not up to the required level of disability. Feeling aggrieved by that, he filed this OA. The applicant contends that the Doctors who examined him at the preliminary level have also examined him at the appellate level and thereby, the very purpose of having Appellate Board is defeated.

2. At the stage of admission itself, we required learned standing counsel for the AIIMS to obtain instructions or to file a short counter affidavit. On 24.02.2021, an affidavit is filed by respondent No.2. It is stated that on account of shortage of the qualified doctors, they could not avoid overlapping in the preliminary and appellate medical boards.



3. We heard Shri Abhay Kumar Behera, learned counsel for the applicant and Shri R. K. Sharma and Shri K. P. Gautam, learned counsel for the respondents.
  
4. The short question that arises for consideration in this OA is as to whether the appellate board constituted by the respondent No.2 is proper and in accordance with law. In all fairness, the respondent No.2 admitted that the doctors who participated in the preliminary level have also figured in the appellate medical board. This cannot be said to be an appropriate method. Though, it is said to be justified on account of shortage of qualified doctors, the rights of the applicant cannot be defeated. It is brought to our notice that there are eight medical institutions which are identified for this purpose. The appellate medical board can be the one constituted at the Ram Manohar Lohia Institute of Medical Sciences (RMLIMS).
  
5. We, therefore, allow the OA, setting aside the findings of the Appellate Medical Board constituted by the respondent No.2. An Appellate Medical Board shall be constituted at the RMLIMS within a period of four weeks from the date of receipt of a copy of the order. The applicant shall be



examined there, in accordance with the relevant provisions of law. It is needless to mention that depending upon the outcome of the findings of the medical board, the UPSC and DoP&T shall take further steps.

There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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