

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 2849/2017

The 25th day of April, 2019

**HON'BLE MR. PRADEEP KUMAR, MEMBER (A)
HON'BLE MR. ASHISH KALIA, MEMBER (J)**

Anjali, Age-23 years,
D/o Ashok Mann,
VPO-Sidipur Lowa Kalan,
Bahadurgarh, Jhajjar,
Haryana

..Applicant
(By advocate: Mr. Sachin Chauhan)

VERSUS

1. Staff Selection Commission
Through its Chairman,
Staff Selection Commission,
Block No. 12,
CGO Complex,
Lodhi Road, New Delhi
2. The Director General,
Central Industrial Security Force,
Block No. 13, CGO Complex,
Lodhi Road, New Delhi.
3. The Director General,
Border Security Force,
Block No. 10, CGO Complex
Lodhi Road, New Delhi
4. The Medical Officer,
132, BN, BSF through
DIG, BSF,
Block No-10, C.G.O. Complex,
New Delhi
5. The Medical Officer,
SHQ, BSF Gurdaspur,

Orthopaedic Surgeon,
Composite Hospital,
Through DIG,
C.R.P.F.,
Block No. 1, C.G.O. Complex,
New Delhi

6. The Commissioner of Police,
Police Head Quarter,
MSO Building, IP Estate,
New Delhi
Delhi

...Respondents

(By advocate: Mr. J.P. Tiwary)

ORDER (ORAL)

By Mr. Pradeep Kumar, Member (A)

The present O.A. has been filed by the applicant herein due to rejection of her candidature as she was declared medically unfit on the count “Cubitus Valgus B/L [Carrying angle 23 degree (RT) and 24 degree (Lt) and Knock knee (Instramalleolai distance > 6cm)].

2. The applicant had applied for the post of Sub-Inspector in Delhi Police, CAPFs and CISF in the year 2016 examination. She has qualified for the said examination and also qualified in the Physical Endurance Test (PET). Thereafter, the applicant was declared provisionally qualified for medical examination on the basis of performance in Paper-II of the said examination

and the applicant was subjected to medical examination at Jalandhar (Punjab).

3. Thereafter the applicant was declared unfit vide report dated 29.04.2017 on the ground “Cubitus Valgus B/L (Carrying angle 23 degree (RT) and 24 degree (Lt) and Knock knee (Instramalleolai distance > 6cm)”.

4. Thereafter the applicant filed an appeal dated 02.05.2017 for Review Medical Board Examination by annexing the Medical Fitness certificate issued by ESIC Hospital. The applicant was subjected to Review Medical Board vide report dated 25.07.2017 but was again declared unfit on following count:-

“Cubitus Valgus (Left)”

5. The applicant thereafter obtained medical fitness certificate from AIIMS. She further made representation dated 10.08.2017 against the medical reports dated 29.04.2017 and 25.07.2017 and further raising the grievance to refer her case to another Medical Board or re-constituting of Medical Board in respect of ‘Cubitus Valgus’ .

6. Hearing no response from the respondents, the applicant has approached this Tribunal by way of the present O.A. Notices were issued and the counter reply has been filed. Learned counsel for the respondents drew our attention to para 5.2 of the counter reply and submitted as under:-

“Para 5.2. That in reply to the contents of correspondent para, it is submitted that the averments of para is denied as Review Medical Examination of petitioner was conducted on 25/07/2017 at Composite Hospital Jalandhar (Punjab) by the panel of three Medical Officers detailed for the purpose vide Rtr HQ BSF Punjab Order No. Med/04/RME-Board/FtrPb/2017/ 105-14 dtd 05 July 2017 Annexure- R-6 in accordance with the instructions/guidelines for recruitment medical examination and declared her ‘UNFIT’ by the Medical Board due to “Cubitus Valgus (LEFT)”.

It is further submitted that as per revised guidelines for recruitment medical examination in Central Armed Police Forces and Assam Rifles issued by Government of India, Ministry of Home Affairs (Police Division-II) vide O.M. No. A.VI/2014-Rectt (SSB) dated 20.05.2015 (Annexure-R-8) at Para No. 06, Sub-Para-26 has mentioned ground for rejection as Cubitus Varus/Valgus.

It is submitted that as per opinion of Medical Officer “Cubitus Valgus is due to developmental abnormalities. Excessive carrying angle (Cubitus Valgus) puts stress on the elbow structures making it more susceptible to traction injuries. In the forces, firing is one of the important requirements. Due to improper carrying angle of the elbow (Cubitus Valgus) there may be difficulty in aiming the target by the individual suffering from this abnormality. Hence considered Unfit for the Forces.”.

7. Learned counsel for the applicant, during the course of the arguments has shown a medical certificate issued by AIIMS to substantiate that she is actually not suffering from the said disease. But after going through the medical certificate, it reveals that there are corrections on this certificate which have been signed by a person other than the

one who signed this certificate. It appears that the applicant has forged some signatures on the said certificate to substantiate her claim, which, to us will not help her in any manner. Further, this certificate by AIIMS makes no mention about the earlier certificates. Thus, we are of the opinion that the present OA has to be dismissed.

8. Accordingly, the O.A. is dismissed for the reasons stated above. No costs.

(ASHISH KALIA)
Member (J)

(PRADEEP KUMAR)
Member (A)

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