

(2021) 11 DEL CK 0146

In the Delhi High Court

Case No : Civil Writ Petition No. 13081 Of 2021, Civil Miscellaneous No. 41261-41262 Of 2021

Suraksha

APPELLANT

Vs

Central Reserve Police Force And Ors

RESPONDENT

Date of Decision : 22-11-2021

Acts Referred:

Citation : (2021) 11 DEL CK 0146

Hon'ble Judges : Manmohan, J;Navin Chawla, J

Bench : Division Bench

Advocate : Amit Kaushik, Arnav Kumar

Final Decision : Dismissed

Judgement

Manmohan, J

1. Present writ petition has been filed challenging the memorandum dated 30th October, 2021 issued by Respondent No.1, whereby the Petitioner was declared medically unfit on account of being overweight. Petitioner also seeks directions to the Respondents to medically re-examine the petitioner in a time bound manner and allow the petitioner to participate in the documents verification process to be conducted in December, 2021.

2. Learned Counsel for the Petitioner states that the Petitioner qualified Paper-1 and Paper-2 in the SI-CPO Examination Notice, 2019 and was shortlisted by Respondent No.3 for a detailed medical examination to be conducted by Respondent No. 1. He further states that the Petitioner was initially declared unfit on 27th October 2021 by Respondent No.1 on various grounds such as overweight, Tremors and Anaemia, in furtherance of which the Petitioner opted for a review medical examination before the Review Medical Board.

3. Learned Counsel for the Petitioner states that the Petitioner was declared unfit by Respondent No.1 on the ground of being overweight. He admits that the Review Medical Board through respondent no.1 declared the petitioner, being

61.2 kg, unfit as she was overweight by 7.3 kg.

4. Learned counsel for the Petitioner states that para 11.6.2 of SI-CPO Examination Notice, 2019 provides for the weight of the candidate to correspond to the height and therefore applying the formula of Body Mass Index (BMI), the BMI of the Petitioner comes to 22.5 kg/m², which is within the healthy range of 18.5 to 24.9 kg/m².

5. He emphasises that the Medical Examination Guidelines provide for the assessment to be made on the basis of BMI in doubtful cases of overweight.

6. It is settled law that this Court in writ jurisdiction only examines the decision making process so as to ensure that the Petitioner is treated fairly and reasonably by the Respondents. Admittedly, the Petitioner was overweight by more than five kgs. on both the occasions i.e. the date when the initial Medical Board was held as well as on the date when the Review Medical Board was held. Consequently, the present matter is not a doubtful case of overweight as the Petitioner does not fall within the + 5 kg category.

7. This Court is of the view that the criterion of BMI is to be applied only in doubtful cases of overweight. As the Petitioner was found overweight by both the Initial Medical Board as well as Review Medical Board and, that too, by more than five kgs., the Petitioner is not a doubtful case of overweight and consequently, the criteria of BMI is not applicable.

8. Accordingly, the present writ petition being bereft of merit is dismissed along with pending applications.