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

% ***Date of decision: 16.05.2023***

+ W.P.(C) 6446/2023

DAVINDER KAUR Petitioner

Through: Mr.K.K. Sharma, Adv.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.Shyam Sunder Rai, SPC with

Ms.Seema Singh (GP), Adv.

Mr.Sourabh Bhushan (AC) (Legal
Officer)

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T (oral)

CM APPL.25338/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

W.P.(C) 6446/2023 & CM APPL.25339/2023

3. Present petition has been filed seeking quashing of memorandum of unfit dated 23.01.2023 (DME) and quashing of memorandum of unfit dated 25.01.2023 (RME) as she was declared unfit on account of having tattoo on her right forearm. Further seeks direction for re-conducting of RME of petitioner and consider her candidature for the post of Head Constable/GD in the category of weightlifting (59 KG) afresh.

4. Case of the petitioner is that the petitioner participated for the post of Head Constable/GD through sports quota and for the said purpose, Detailed

Medical Examination was conducted on 23.01.2023 whereby she was declared unfit due to the tattoo on her right arm. Thereafter, on 25.01.2023, Review Medical Examination was conducted and the petitioner was again declared unfit on account of tattoo with scar over right forearm and hand.

5. Now the case of the petitioner is that tattoo on the arms and hands have already been removed and that she should be given an opportunity to participate in the examination.

6. Similar issues have already been decided by this Court in W.P.(C) 16030/2022 titled as "*Vineet Kumar Meena vs. Union of India & Ors.*" and W.P.(C) 15302/2022 titled as "*Shubham Sharma vs. Union of India & Ors.*" wherein this Court gave liberty to the petitioners therein to appear before freshly constituted Medical Board of the respondents.

7. Accordingly, in the interest of justice, we hereby direct the respondents to examine the petitioner afresh before the freshly constituted Medical Board of the respondents within four weeks from today and if the petitioner is found fit by the said Medical Board, she shall be allowed to join further selection process.

8. However, it is made clear, as agreed by learned counsel for petitioner, that if the petitioner is found unfit, the said decision shall be final and binding.

9. In view of above, petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MINI PUSHKARNA)
JUDGE

MAY 16, 2023/ab