



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 18606/2023

CNR: RJHC020940172023 | URN: CW / 36609U / 2023

Anita Kumari D/o Sh. Moolchand, Aged About 25 Years, R/o
Village Nitro Ki Dhani, Ward No. 18, Bhorki, Jhunjhunu (Raj.)

-----Petitioner

Versus

1. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashatra Seema Bal, Through Its Director General, Address- Sashatra Seema Bal, East Block-V, R.k. Puram, New Delhi- 110066.
2. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashatra Seema Bal, Through Its Commandant (Rectt.), Address- Sashatra Seema Bal, East Block-V, R.k. Puram, New Delhi-110066.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 12779/2020

CNR: RJHC020646072020 | URN: CW / 24027U / 2020

Ajay Kumar S/o Shri Rajendra Singh, Aged About 23 Years,
Resident Of Vpo Palri, Via Kudan, Tehsil Laxmangarh, District
Sikar-332031 (Raj.)

-----Petitioner

Versus

1. Union Of India, Through The Secretary, Ministry Of Home Affairs, National Stadium, India Gate, New Delhi, Delhi 110001
2. The Director General Of Central Reserve Police Force (Recruitment Branch), East Block-07, Level-04, Sector-01, Rk Puram, New Delhi -110066
3. Staff Selection Commission, Through Its Regional Director (Northern Region), Block No. 12, Cgo Complex, Lodhi Road, New Delhi-110003
4. Deputy Inspector General, Shq Bsf Bikaner, Sagar Road Rajasthan 334001
5. Senior Medical Officer, Bsf Bikaner, Bsf Campus, Bsf Campus, Bikaner, Po And Distt. Bikaner, Rajasthan-



334001

-----Respondents

S.B. Civil Writ Petition No. 11763/2021

CNR: RJHC020679392021 | URN: CW / 26229U / 2021

Pavan Kumar Son Of Chheeto Singh, Aged About 25 Years, Vpo
Sogar, Tehsil Kumher, Bharatpur (Rajasthan)-321001

-----Petitioner

Versus

1. The Union Of India, Through Home Secretary, Department Of Home, Ministry Of Home Affairs Government Of India, North Block, New Delhi- 110001.
2. Director General, Directorate General, Indo-Tibetan Border Police Force (Itbp), Block 02, Cgo Complex, Lodhi Road, New Delhi-110003.
3. The Inspector General (Nw), Frontier, Itb Police Force, Po-Seema Nagar, Near Airport, Chandigarh (Ut)- 160003.
4. The Inspector General (Central) Frontier, Itb Police Force, Village - Kanasiya, Po - Kokta Hathaikhera, Raisen Road, Tehsil - Huzur, Distt- Bhopal (Mp)- 462021.
5. Dig (Estt. And Rectt.), Directorate General, Indo-Tibetan Border Police Force, Block 02, Cgo Complex, Lodhi Road, New Delhi- 110003.

-----Respondents

S.B. Civil Writ Petition No. 14839/2021

CNR: RJHC020831692021 | URN: CW / 32313U / 2021

Meena Manish Kumar Ramsingh Son Of Shri Ramsingh Meena,
Aged About 25 Years, Resident Of Village And Post Nandri, Tehsil
Sikrai, District Dausa (Raj.)

-----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Personnel, Public Grievances And Pensions, Govt. Secretariat, New Delhi.
2. Commissioner, Staff Selection Commission, Block No. 12, Cgo Complex, Lodhi Road, New Delhi-110003
3. Staff Selection Commission, Northern Region, Block No. 12, Cgo Complex, Lodhi Road, New Delhi-110003





Through Its Regional Director.

-----Respondents

S.B. Civil Writ Petition No. 17917/2023

CNR: RJHC020889332023 | URN: CW / 35341U / 2023

Shiv Kumar S/o Shri Mewa Singh, Aged About 28 Years, R/o Ghardana Kalan, Tehsil Buhana, District Jhunjhunu (Raj.)

-----Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Home Affairs, New Delhi
2. Director General Of Sashastra Seema Bal, East Block-V, R.k. Puram, New Delhi-110066
3. Commandant (Rectt.) Ssb, Sashatra Seema Bal, East Block-V R.k. Puram, New Delhi- 110066
4. Assistant Commandant (Mo), Rme Board No.16, 41 Bn. Ssb Ranidanga, Siliguri (West Bengal).
5. Commandant (Med)-I, Rme Board No.16, 41 Bn. Ssb Ranidanga, Siliguri (West Bengal)

-----Respondents

S.B. Civil Writ Petition No. 18609/2023

CNR: RJHC020940152023 | URN: CW / 36612U / 2023

Sarita Kumari D/o Sh. Mahavir Prasad, Aged About 26 Years, Village Tiba, Post Basai, Tehsil Khetri, District Jhunjhunu (Raj.)

-----Petitioner

Versus

1. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashatra Seema Bal, Through Its Director General, Address- Sashastra Seema Bal, East Block-V, R.k. Puram, New Delhi- 110066.
2. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashatra Seema Bal, Through Its Commandant (Rectt.), Address- Sashatra Seema Bal, East Block-V, R.k. Puram, New Delhi-110066.

-----Respondents

S.B. Civil Writ Petition No. 19256/2023

CNR: RJHC020956152023 | URN: CW / 37699U / 2023

Sunil Kumar Son Of Shri Megha Ram, Aged About 29 Years,





Resident Of Village Bhale Kha Ki Dhani, Post Parasrampura,
Tehsil Nawal Garh, District Jhunjhunu (Raj.)

-----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi- 110066.
3. Commandant, (Rectt.) Recruitment, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.

-----Respondents

S.B. Civil Writ Petition No. 19257/2023

CNR: RJHC020956182023 | URN: CW / 37704U / 2023

Lokendra Singh Tanwar Son Of Shri Nahar Singh Tanwar, Aged About 28 Years, Resident Of Village Jhalra, Post Dayal Ki Nangal, Tehsil Neem Ka Thana District Sikar (At Present District Neem Ka Thana) (Raj.)

-----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.
3. Commandant, (Rectt.) Recruitment, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.

-----Respondents

S.B. Civil Writ Petition No. 20576/2023

CNR: RJHC021051872023 | URN: CW / 40230U / 2023

Visnu Singh Son Of Shri Hari Singh, Aged About 24 Years, Resident Of Village Khohra Thakran, Post Basni, Kot Kasim, District Alwar. (Raj.)

-----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.



2. Director General, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.
3. Commandant, (Rectt.) Recruitment, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.

-----Respondents

S.B. Civil Writ Petition No. 77/2024

CNR: RJHC021070312023 | URN: CW / 158U / 2024

Vikash Yadav Son Of Shri Lal Chand Yadav, Aged About 25 Years,
Resident Of Royi Wali Dhani, Lalpura Pachar, Jaipur, District
Jaipur (Raj.)

-----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Indo-Tibetan Border Police Force, Ministry Of Home Affairs, Itbp Head Quarters, Block-02, Cgo Complex, Lodhi Road, New Delhi-110003.
3. Inspector General (Estt.) Dte. Recruitment, Central Reserve Police Force, Ministry Of Home Affairs, East Block-7, Level-4, Sector-1, R.k. Puram New Delhi-110066.

-----Respondents

S.B. Civil Writ Petition No. 1027/2024

CNR: RJHC020057212024 | URN: CW / 2044U / 2024

Sanjay Kumar Saini S/o Sita Ram Saini, Aged About 24 Years,
R/o Dhani Navora, Vpo Mawta, Tehsil Udaipurwati, District
Jhunjhunu, Rajasthan.

-----Petitioner

Versus

1. The Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. The Deputy Inspector General (Recruitment), Indo Tibetan Border Police Force, Ministry Of Home Affairs, Govt. Of India, Block-Ii, C.g.o. Complex, Lodhi Road, New Delhi.



3. The Inspector General (Hqrs.), Dte. Gen. Indo Tibetan Border Police Force, Block -Ii, C.g.o. Complex, Lodhi Road, New Delhi

-----Respondents



For Petitioner(s) : Mr. Tribhuvan Narayan Singh with
Mr. Vikas Meena
Mr. Tanveer Ahamad with
Ms. Harshita Sharma
Mr. Hemant Taylor
Mr. Ramawtar Meena
Mr. Rajesh Gadwal with
Mr. Amandeep,
Mr. Pushpendra Kumar,
Mr. Waseem Akaram and
Ms. Alka
Mr. Sunil Kumar Saini with
Mr. Hira Lal Gothawal
Mr. R.P. Saini with
Mr. Aamir Khan
Mr. Salim Khan

For Respondent(s) : Mr. Devesh Yadav

JUSTICE ANOOP KUMAR DHAND

Order

14/10/2026

1. Since common question of law and facts are involved in these writ petitions, hence with the consent of counsel for the parties, arguments have been heard together of all these writ petitions and they are being decided by this common order.
2. For the sake of convenience, the facts pleaded in the S.B. Civil Writ Petition No.18606/2023 are taken into consideration.
3. The instant writ petition has been preferred with the following prayer:

"I) Issue an appropriate writ order or direction in the nature thereof direct the respondents to give



appointment to the petitioner on the post of Constable (Barber) with all consequential benefits.

ii) Issue an appropriate writ order or direction in the nature thereof thereby, the impugned review medical examination report dated 14/10/2023, (Annex-8) may kindly be declared illegal and same be quashed and set aside by which the petitioner wrongly declared unfit. Consequently, the respondent be directed to conduct remedial examination of petitioner, under supervision of specialist/super specialist doctors/ Government Hospitals/ Private Hospitals, in view of the OM dated 31/05/2021.

iii) Pass any other appropriate order which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case in favour of the petitioner.

iv) Cost of the writ petition be also awarded in favour of the petitioner."

4. By way of filing the instant writ petition, multiple prayers have been made including the main prayer for issuing directions to the respondents for conducting review medical examination and for quashing and setting aside the earlier medical examination. It has also been prayed that in case, the petitioner is found medically fit in the review medical examination, then the respondents be directed to grant appointment to the petitioner on the post of Constable with all consequential benefits.

5. The respondents issued recruitment advertisement for appointment on the posts of Constable-Driver; Laboratory Assistant; Veterinary; Ayah; Carpenter; Plumber; Painter; Tailor; Cobbler; Gardner; Cook; Washerman; Barber; Safaiwala; Water Carrier; and Waiter.



6. It is the case of the petitioners that they being eligible participated in the process of selection on the respective posts. The selection process was comprised of different steps i.e. Physical Standard Test (PST) and Detailed Medical Examination (DME) and the same was mandatory for all the candidates. It is the case of the petitioners that they successfully cleared the written examination as well as physical test, but they were not shortlisted for medical examination and they were declared as unfit. It is the case of the petitioner that during the medical examination of the petitioner, the procedure was not followed.

7. Counsel for the petitioner submits that though the recruitment process was initiated within the State of Rajasthan, some of the selected candidates were sent outside the State of Rajasthan for the purpose for conducting their medical examination and medical examination of some of the candidates were conducted within the State of Rajasthan. Counsel submits that those who were declared as medically unfit, approached this Court by way of filing different writ petitions.

8. It has been apprised at Bar that a technical objection, with regard to maintainability of the writ petitions was submitted by those petitioners, whose medical examination was conducted outside the State of Rajasthan. It was the objection of the respondents that this Court has no territorial jurisdiction to hear and decide the writ petitions submitted by such petitioners. The Co-ordinate Bench of this Court vide order dated 31.01.2024 turned down the aforesaid objection taken by the respondents.

9. It appears that aggrieved by the aforesaid order, the respondents approached the Division Bench of this Court by way



of filing several DB Special Appeals (Writ) with the lead case of **Union of India and Ors. vs. Sunil Kumar (DB Special Appeal (Writ) No.456/2024)**. However, the Division Bench of this Court has rejected the batch of aforesaid Special Appeals vide order dated 25.09.2026 and the order passed by the Single Bench of this Court dated 31.01.2024 was upheld.

10. It appears that during pendency of the Special Appeals before the Division Bench, a batch of identical writ petitions submitted by the similarly situated persons, whose medical examination was conducted within the State of Rajasthan was heard and decided by the Co-ordinate Bench of this Court with the lead case of **Saurabh Singh Sanket vs. The Union of India and Ors.** while deciding **S.B. Civil Writ Petition No.14897/2021** vide order dated 12.03.2026 and following observations and directions have been issued in para Nos.10 to 13, which read as under:

"10. The material placed on record, as noticed hereinabove, unequivocally demonstrates that there exists an admitted and substantial variation between the findings recorded in the Detailed Medical Examination (DME) and the Review Medical Examination (RME), inasmuch as each of the reports assigns different and at times inconsistent reasons for declaring the petitioners medically unfit. This inconsistency is further compounded by the reports issued by the civil hospitals, which prima facie cast a cloud of doubt over the correctness and reliability of the conclusions drawn in the DME and RME.

11. It is true that the respondents have sought to justify the said divergence by contending that the standards and degree of medical fitness prescribed for personnel of the Central Armed Police Forces (CAPFs) are considerably more stringent than those applicable to ordinary civil services and, therefore, the opinion rendered by civil hospitals cannot override or prevail



upon the specialised assessment undertaken in the DME and RME.

12. Ordinarily, this Court would exercise restraint and would be slow in interfering with expert medical opinions, particularly those rendered by duly constituted Review Medical Boards. However, the peculiar facts of the present cases, marked by evident inconsistencies and the resulting element of uncertainty, persuade this Court to adopt a course that would dispel any lingering doubt and ensure fairness to all parties concerned. In that view of the matter, this Court considers it just, proper and in the interest of justice to direct that the petitioners be subjected to afresh and comprehensive medical examination by a duly constituted Medical Board at the Army Hospital (Research & Referral), New Delhi, the standards of which are indisputably at par with, if not more rigorous than, those prescribed for CAPFs. The opinion so rendered by the said Medical Board shall be treated as final, conclusive and binding upon both the petitioners and the respondents.

13. Consequently, these writ petitions stand disposed of with a direction to the respondents to approach the competent authority at Army Hospital (R&R), New Delhi along with opinions of DME and RME of the respective petitioners for constitution of separate Medical Boards in respect of each petitioner, comprising at least three specialised Medical Officers relevant to the alleged medical unfitness. Upon constitution of such Boards, the respondents shall ensure that intimation is furnished to the respective petitioners at least seven days in advance, specifying the date, time and place of examination. The Medical Board shall thereafter conduct a thorough and detailed examination of each petitioner and prepare an exhaustive report in duplicate, one copy to be supplied to the respondents and the other to the concerned petitioner. The findings of the said Medical Board shall bind both parties and in the event, the report is favourable to any petitioner, the respondents shall proceed to consider such petitioner for further steps in the selection process and if otherwise found eligible, extend appointment in accordance with law. The entire exercise, as directed hereinabove, shall be completed within a period of forty-five days from the date of receipt of a certified copy of this judgment."



11. Counsel appearing on behalf of the petitioners submit that since the controversy involved in the instant writ petitions has already been set at rest by the Co-ordinate Bench of this Court in the case of **Saurabh Singh Sanket** (supra), the petitioners being similarly situated persons are also entitled to get the similar relief, which has been granted to the similarly situated petitioners and they have prayed for issuing directions to the respondents for conducting remedical examination of the petitioners and in case, they are found medically fit and otherwise eligible, then the respondents be directed to accord appointment to them on the respective posts for which they have submitted the application forms.

12. *Per contra*, learned counsel appearing on behalf of the respondents opposed the arguments and submitted that the entire selection process is now over and the same is completed way back in the year 2024 and now, no posts are lying vacant, hence, under these circumstances, the petitioners are not entitled to get any relief, as sought for in the instant writ petition.

13. Heard and considered the submissions made at the Bar and perused the material available on the record.

14. This Court finds no substance in the argument raised by counsel for the respondents that the entire selection process has been completed in the year 2024 itself and all the advertised posts have been filled and now the case of the petitioners cannot be considered for appointment in case the petitioner found to be fit in remedical examination.

15. The reason for making such observation is that the petitioners were not at fault. They approached this Court well





within time, immediately when the cause of action arose to them. In case, the matter remained pending before this Court on account of any technical objection taken by the respondents with regard to territorial jurisdiction of this Court and the issue was decided by the Co-ordinate Bench of this Court vide order dated 31.01.2024 and aggrieved by the aforesaid order, the respondent-Union of India preferred a batch of Special Appeals before the Division Bench with the lead case of **Sunil Kumar (supra)** and the special appeal remained pending before the Division Bench till 25.09.2026 and finally all the special appeals were rejected and the order passed by the Co-ordinate Bench dated 31.01.2024 was upheld. Hence, the petitioners cannot be blamed for the delay, if any, occurred because of the pendency of the Special Appeal before the Division Bench.

16. This fact cannot be overlooked that this very argument was available with the respondents when the batch of identical petitions with lead case of **Saurabh Singh Sanket (supra)** was decided by the Co-ordinate Bench on 12.03.2026, but the same was not considered by the Co-ordinate Bench of this Court and all those identical writ petitions have already been allowed with direction to the respondents to conduct remedical examination of all the petitioners and in case, they are found to be fit, then accord appointment to them, as per the applications submitted by them for the respective posts.

17. It has been apprised at the Bar that the order dated 12.03.2026 passed by the Co-ordinate Bench of this Court has not been assailed by the respondents by way of filing any appeal before the appropriate Appellate forum of law, hence, the same



has attained finality. It has been apprised at the Bar that the order dated 12.03.2026 has been implemented by the respondents. Hence, under these circumstances, this Court has no valid reason to take a different view, which may cause disparity and discrimination with the petitioners, whose case is at par with the case of similarly situated persons i.e. **Saurabh Singh Sanket (supra)**.

18. Accordingly, all the instant writ petitions stand disposed of with directions to the respondents to approach the competent authority at Army Hospital (R&R), New Delhi along with opinions of DME and RME of the respective petitioners for constitution of separate Medical Boards in respect of each petitioner, comprising at least three specialised Medical Officers relevant to the alleged medical unfitness. Upon constitution of such Boards, the respondents shall ensure that intimation is furnished to the respective petitioners at least seven days in advance, specifying the date, time and place of examination. The Medical Board shall thereafter conduct a thorough and detailed examination of each petitioner and prepare an exhaustive report in duplicate, one copy of the same would be supplied to the respondents and the other to the concerned petitioners. The findings of the said Medical Board shall be binding upon both parties and in the event, the report is favourable to any petitioner, the respondents shall proceed to consider such petitioner for further steps in the selection process and if otherwise found suitable and eligible, extend appointment in accordance with law.



19. The entire exercise, as directed herein above, shall be completed within a period of six weeks from the date of receipt of a certified copy of this order.

20. With the aforesaid observations, all the writ petitions stand disposed of. The stay applications and all pending applications, if any, also stand disposed of.

21. Office is directed to place a copy of this judgment on record of each connected writ petition.

(ANOOP KUMAR DHAND),J

KuD/DA(3 to 12)&SA(3)