



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

**OA No. 3157/2024**

**This the 23<sup>rd</sup> day of August, 2024**

**Hon'ble Mrs. Pratima K. Gupta, Member (J)  
Hon'ble Mr. Rajinder Kashyap, Member (A)**

1. Kore Nihal Pramod  
S/o Pramod  
R/o H.No. 33, Kore Galli  
Village – Takali, Taluka – Miraj,  
District – Sangli, Maharashtra  
Pin – 416410

...Applicant

(By Advocate: Mr. Raja Chaudhary with Mr. Vikas Pal)

**Versus**

1. All India Medical Science  
Through Director  
Shri Aurobindo Marg Ansari Nagar (East),  
New Delhi – 110029
2. Department of Personal & Training  
Through Secretary  
674, VJW, North Block, Central Secretariat,  
New Delhi – 110001
3. Union Public Service Commission  
Through Chairperson  
Dholpur House, Shahjahan Road,  
New Delhi - 110069

...Respondents

(By Advocate: Mr. Gyanendra Singh)

**O R D E R (ORAL)****Hon'ble Mrs. Pratima K. Gupta, Member (J):**

The applicant in the present OA approached the Hon'ble High Court of Delhi for redressal of his grievances by way of W.P.(C) No. 15755/2023 and it has been transferred by the Hon'ble High Court to this Tribunal vide order dated 29.07.2024 for further consideration.

2. The brief facts, as explained by learned counsel for the applicant, are that the applicant participated in the Civil Services Examination, 2022 [CSE, 2022] under Physically Disabled category and obtained a rank of 922. However, he was declared medically unfit, for extension of the benefit under the said category, by the first Medical Board constituted by the AIIMS.

3. According to the learned counsel for the applicant, the first medical report of All India Institute of Medical Sciences (AIIMS) was contrary to the Rules and Regulations in Appendix III relating to the medical examination of the candidates for the CSE, 2022. It was pointed out that in terms of Regulations 5 (3) (4) (5) and (11), the first report of the AIIMS did not stipulate the percentage of disability of





the applicant. Therefore, in terms of the rules, the applicant preferred an appeal. The Appellate Medical Board at AIIMS specified the disability of the applicant to the extent of 9.66% in the left ear. Since the Appellate Medical Board, comprised only of one single Member and therefore it was not in terms of Regulation 5(11) of the said Rules and Regulations in Appendix III.

4. Learned counsel for the applicant submits that the applicant has been issued Disability ID indicating percentage of disability at 60%. Therefore, according to him, the applicant has not been correctly examined by the appropriate Medical Boards at AIIMS. Agitating his grievance, he approached the Hon'ble High Court of Delhi seeking re-examination by an appropriately constituted Medical Board in terms of the aforesaid Rules. The Hon'ble High Court directed the respondents to get the applicant medically examined by an Independent Review Medical Board to be conducted by the Research & Referral Hospital.

5. The Research & Referral Hospital conducted the medical board and placed the report before the Hon'ble High Court of Delhi itself in a sealed cover. Thereafter, the



entire records of the Writ Petition were transferred to the Tribunal along with the report in the sealed cover.

6. On 14.08.2024, the sealed cover was opened by the Tribunal, wherein it was recorded that the Research & Referral Hospital has determined the disability of the applicant as 84.2%. For the sake of better appreciation, the report is reproduced herein below:-

"OPINION OF THE MEDICAL BOARD

MEDICAL EXAMINATION ON COURT ORDER PASSED BY  
HON'BLE HIGH COURT DELHI ORDER  
NO WP (C) 15755/2023 FILED BY KORE NIHAL PRAMOD

1. Roll No. 6619106 Kore Nihal Promod reported to Army Hospital (Research & Referral) on 27 May 2024 for conduct of medical examination in respect of hearing impairment as per direction of Hon'ble High Court of Delhi WP (C) No 15755/2023.
2. The individual reports decreased hearing in both ear (Right > Left) since childhood which is progressive in nature.
3. Individual was examined by the medical board in detail and all relevant investigations including Audiological evaluation was performed. The assessment sheet is attached as Annexure-1.
4. On the basis of examination by the medical board and assessment of disabilities, he has *BILATERAL MODERATE TO MODERATELY-SEVERE HEARING LOSS*. His percentage of hearing disability is 84.2%."

7. Mr. Gyanendra Singh, learned counsel for the respondents, under instructions, submits that there are two reports, one from AIIMS and the other from the Research & Referral Hospital and both are in complete



variance. The AIIMS has determined the disability of the applicant as 9.66% and the Research & Referral Hospital has determined the same as 84.2% and, therefore, liberty may be extended to the respondents to get the applicant once again medically re-examined so as to confirm that the medical report issued by the Research & Referral Hospital.

8. At this stage, learned counsel for the applicant confirms, that the candidature of the applicant has not been cancelled. However, Mr. Gyanendra Singh, learned counsel for the respondents disputes the said statement.

9. Be that as it may, it is evidently clear that the applicant has been examined by three experts at Research & Referral Hospital in compliance of the directions of the Hon'ble High Court of Delhi, and after examining the applicant, they have issued the report reproduced herein above. Therefore, the prayer made learned counsel for the respondents cannot be entertained at this stage particularly in light of the fact that this is an examination of the year 2022 and we are already in the year 2024.

10. In view of what has been recorded hereinabove, the OA is disposed of with direction to the respondents to



revive the candidature of the applicant, in case it has been cancelled and process his dossier on the basis of the report of Research & Referral Hospital, as reproduced hereinabove:

- a) If the applicants meets the criterion for availing the extension of benefit in the Physically Disabled category
- b) In terms of the merit obtained by him in his category regard,
- c) If he is otherwise eligible.

There shall be no order as to costs.

**(Rajinder Kashyap)**  
**Member (A)**

**(Pratima K. Gupta)**  
**Member (J)**

/akshaya/