



\$~53

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 13.12.2024

+ W.P.(C) 17242/2024, CM APPL. 73359/2024

GEDELA CHANDRA SEKHARA RAOPetitioner

Through: Mr. Rajat Arora, Mr. Niraj
Kumar, Advs.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Vatsal Joshi, SPC, Mr.
Hussain Taqvi, Adv. with SI
Prahlad Devendra and SI A.K.
Singh, CISF with Shivakant,
AC (CISF), Atul Sen, SI (CISF)**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J (ORAL)**

1. This petition has been filed by the petitioner challenging the findings of the Review Medical Examination (RME) *vide* report dated 28.11.2024, which declared the petitioner '*unfit*' for being considered for appointment to the post of Assistant Sub-Inspector (Executive) through Limited Departmental Competitive Examination (LDCE) in Central Industrial Security Force (CISF) for the year 2022.
2. The petitioner was declared unfit on the ground of presence of a tattoo on his left forearm and on left side of his chest.
3. The learned counsel for the petitioner, placing reliance on the Judgment of this Court in ***Staff Selection Commission and Ors. v.***



Deepak Yadav, 2024 SCC OnLine Del 5162, submits that as the tattoo can easily be removed, the respondents should have given time to the petitioner to have the same removed before conducting his RME.

4. Issue notice. Notice is accepted by Mr. Vatsal Joshi, learned counsel, on behalf of the respondents.

5. He submits that in the “*Revised Uniform Guidelines for Review Medical Examination in Central Armed Police Forces and Assam Rifles for GOs and NGOs: Amendment thereof*” dated 31.05.2021, it has been clearly recorded that the presence of a tattoo on the left forearm is permitted but on the inner aspect of the forearm. He submits that the petitioner, who was already part of the Armed Forces, was aware of this condition. However, despite knowing this condition/prohibition, he still had a tattoo on the outer surface of the left forearm and, therefore, is not entitled to further relief from this Court.

6. We have considered the submissions of the learned counsels for the parties.

7. The Supreme Court in ***Pavnesh Kumar v. Union of India & Ors.***, 2023 SCC OnLine SC 1583, held that, no doubt, appointments to higher posts of an incumbent working at a lower post through LDCE are a form of accelerated promotion, but they cannot be equated with the normal mode of promotion. The applicant, therefore, has to comply with all conditions of the advertisement seeking candidature for the post advertised.

8. In the present case, the petitioner, already being a member of the Armed Forces, should have known that the presence of a tattoo on



the outer surface of the left forearm is prohibited. In spite of this, he has one. Though for some purposes he is to be treated as a direct recruit, at the same time, he cannot claim the same standard of equity as may be applicable in case of a direct/fresh recruit, who may not be well aware of such stringent medical standards followed in the Armed Forces.

9. In view of the above, we do not find any merit in the present petition. The petition along with the pending application is accordingly dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 13, 2024
SU/SK/as

Click here to check corrigendum, if any