

Court No. - 8

Case :- WRIT - A No. - 9649 of 2019

Petitioner :- Kumari Gudiya

Respondent :- State Of U.P. Thru Secy. Home And Others

Counsel for Petitioner :- Deepak Singh, Seemant Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Sri Deepak Singh, learned counsel for the petitioner and Sri R.P. Singh Chauhan, learned Additional Chief Standing Counsel.

2. The present writ petition under Article 226 of the constitution of India has been filed seeking a writ of Certiorari quashing the order dated 8.9.2018 passed by the Superintendent of Police, District Ambedkar Nagar rejecting the representation of the petitioner in compliance of the order dated 1.8.2018 passed by this Court in Writ Petition No.21727 (SS) of 2018, which would read as under:-

“Heard learned counsel for the petitioner and learned Standing Counsel appearing for the State-respondents.

With the consent of learned counsel for the parties, the writ petition is being finally disposed off.

Learned counsel for the petitioner submits that with regard to the relief sought in the writ petition, the petitioner has already represented the matter before the respondent No.3 on 24.6.2018 (Annexure- 2 to the writ petition) which may be directed to be decided within a fixed time frame to which learned Standing Counsel has no objection.

In view of the above, it is provided that respondent No.3 shall endeavour to decide the representation of the petitioner dated 24.6.2018 (Annexure-2 to the writ petition) by means of a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order.

With the aforesaid direction, writ petition is disposed of.”

3. The petitioner participated in the recruitment process for the post of Constable (Female) in Civil Police of Government of Uttar Pradesh, for which the advertisement was issued on 29.12.2015. The petitioner was successful in written examination. She was also found fit in physical efficiency test

and her documents and physical standards were also in accordance with the requirement of the post. However, the petitioner was declared medically unfit for appointment to the post of Police Constable as she was found to have hearing problem.

4. Against the rejection order, the petitioner filed an appeal before the regional medical board. The petitioner was again examined by five doctors and the said medical board, consisting of five doctors, again found the petitioner unfit for appointment to the post of Police Constable. The petitioner was not satisfied and, therefore, she approached this Court by filing Writ Petition No.21727 (SS) of 2018 and this Court disposed of the said writ petition vide order dated 1.8.2018 with direction to decide the representation of the petitioner by the Superintendent of Police, District Ambedkar Nagar.

5. The order impugned passed by the Superintendent of Police, District Ambedkar Nagar would disclose that as per the Uttar Pradesh Police Constable and Head Constable Rules, 2017, the decision of the appellate medical board would be binding and no appeal or revision would be entertained from the decision of the appellate board. The petitioner was found unfit by the two medical boards, including the review medical board. This Court cannot substitute the opinion of the expert doctors, who have found the petitioner unfit for appointment on the post of Police Constable.

6. In view thereof, I do not find any substance in the present writ petition, which is hereby ***dismissed***. Interim order, if any, stands vacated.

Order Date :- 25.5.2023

Rao/-