

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.8153 of 2015

ORDER:

The petitioner, who was employed as a Driver with the Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation'), has been subjected to medical examination at the Hospital maintained by the Corporation at Tarnaka, Hyderabad. The Chief Medical Officer-II of the Hospital, by his certificate, dated 08.01.2013, declared the petitioner unfit for the post of Driver in 'A1 category' as he was suffering from 'colour blindness'. This order was based by the Depot Manager, Nuzvid Depot, where the petitioner was working as a Driver, to pass an order on 10.12.2013 terminating his services with immediate effect.

If the petitioner is truly a colour blind, seldom an exception can be taken to an order of discharge passed by the competent authority discharging him from service. No person suffering from colour blindness can be employed as a driver, inasmuch as he will not be able to perceive the road / traffic signals correctly. But, however, the petitioner has challenged the correctness of the finding of the Chief Medical Officer by approaching Rotary Eye Hospital at Vuyyuru, Krishna District. The Ophthalmologist has declared the petitioner free from any eye defect. Based thereon, this Writ Petition is filed.

I have passed a detailed order on 26.03.2015, directing the petitioner to appear before Shankar Nethralaya, Guntur. The doctor of the said Institute examined the petitioner on 06.04.2015 and gave her clinical finding in the form of a medical report. She has found that the petitioner's colour vision is normal in both eyes. Therefore, it is a clear case where the petitioner's services have been terminated obviously due to an error committed in recording a medical finding that he is suffering from colour blindness.

In this view of the matter, the respondents may take into account and consideration the medical reports furnished by Sankara Eye Care Institution, Guntur, dated 06.04.2015 and reconsider and review the order passed on 10.12.2014 terminating the services of the petitioner and communicate the decision to him within a period of 15 days from the date of receipt of a copy of this order. It shall also be the responsibility of the respondents to consider treating the interregnum period in

accordance with law.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous petitions, if any, stand disposed of.

NOOTY RAMAMOHANA RAO, J.

mrk

24.04.2015.