

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37026 of 2016

P.Pandi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Secretary,
Home Department,
Fort St. George, Chennai-9.

2.The Director General of Police,
Law and Order,
Mylapore, Chennai-4.

3.The Superintendent of Police,
Tuticorin District,
Tuticorin.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representation of the petitioner dated 25.11.2015 and reconsider the appointment of BAND MEN recruitment for the year 2013 by the second respondent herein.

For Petitioner : Mr.T.Arumugam

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 25.11.2015 and reconsider the appointment of BAND MEN recruitment for the year 2013 by the second respondent herein.

3. It is the case of the petitioner that his father had worked as a Constable for the past 36 years and retired from

service. Thereafter, the petitioner was selected to the post of BAND MAN in the year 2013 and the second respondent intimated him to get medical fitness from the concerned medical officer through the third respondent and the medical board has also issued fitness certificate, based on which, the third respondent issued an order rejecting his appointment. As against the said rejection order, the petitioner appealed before the second respondent to re-consider his appointment, but the same was rejected. However, the first respondent by proceedings dated 26.8.2013 permitted the petitioner to attend the second medical board and as per the said order, he attended the second Medical Board before the Rajiv Gandhi Government Hospital, Chennai and Government Eye Hospital, Egmore and the concerned Medical Board issued certificate stating that 'Eyes unfit due to defective vision and fundus'. Hence, the third respondent intimated the petitioner that he is unfit for the selection to the post of BAND MAN. In the year 2008, the Government of Tamil Nadu represented by Home (Police 9) Department, selected candidates without any Medical Examination in his letter No.65837/Pol.9/2008-5 dated 17.11.2008. In this regard, the petitioner sent a representation dated 27.9.2015 to the respondents to select him as BAND MAN as per the said GO. Since the same was not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that in the year 2008, the Government of Tamil Nadu represented by Home (Police 9) Department, selected candidates without any Medical Examination in its letter No.65837/Pol.9/2008-5 dated 17.11.2008. Hence, based on the said GO, the petitioner is also entitled to get appointment to the post of BAND MAN.

5. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7. On a perusal of the materials available on record, I find that twice the petitioner attended the Medical Board. In the report filed by the first Medical Board, they have stated that (i) EAR: Mild conductive hearing loss central performance, (ii) Both eyes pallor, vision 5.60 both eyes. Thereafter, the petitioner was permitted to attend the second Medical Board and the second Medical Board has also given a certificate stating that " Eyes unfit due to defective vision and fundus ". Hence, his candidature was rejected only due to defective vision. Therefore, the petitioner cannot again and again ask for considering his case.

8. For the reasons stated above, I am of the opinion, there is no merit in the writ petition and the same is liable to be dismissed. Accordingly, the present writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai-9.
 - 2.The Director General of Police,
Law and Order,
Mylapore, Chennai-4.
 - 3.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- +1 cc to Government Pleader,sr.60978.

ssk(co)
krd 15/11

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