

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT APPEAL No.589 of 2016

Date:29.7.2016

Between:

Majji Anupama,
D/o Satyanarayana

.....Appellant

And:

Union of India, repto by its
Secretary, New Delhi and
three others.

....Respondents

Counsel for the appellant: Mr. Srinivas Bodduluri

Counsel for respondent No.1: Mr. B.Narayana Reddy
Assistant Solicitor General

Counsel for respondent Nos.2 to 4: Mr. V.Ravinder Rao

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Appeal arises out of order, dated
15.6.2016, in Writ Petition No.317 of 2014.

The dispute that engaged the attention of the
learned single Judge was whether the action of
respondent No.2 in denying the employment to the
appellant on the ground that her defective eye sight
rendered her unfit to hold the post of Technician was
proper or not.

The appellant attended written test on 25.8.2013

and also interview on 04.10.2013 held by respondent No.2 for the post of Technician. Before she was appointed, she was examined by the Medical Board of respondent No.2 on 28.11.2013 as per the practice prevalent with the said respondent. The appellant has received communication from respondent No.3 on 03.12.2013 to the effect that she did not meet the prescribed medical standards due to “refractive error (high)” and consequently, she was declared unfit for the post of Technician. Following the same, her selection was also cancelled.

The appellant has approached respondent No.2 with a request to re-examine her in the light of the purported opinion issued by a private Ophthalmologist (Consultant) that she is not suffering from refractive error (high). Heeding to her request, respondent No.3 has subjected the appellant to examination once again by the Medical Board. Accordingly, the Medical Board, comprising two Ophthalmologists and one Technician, re-examined her on 24.12.2013 and reiterated its earlier opinion that she is found to be unfit for the post of Technician in view of the refractive error (high) from which she was suffering. Feeling aggrieved by the same, the appellant filed Writ Petition No.317 of 2014.

On considering the above-noted facts, the learned single Judge held that in the light of the two opinions of the Medical Board, he has no reason to interfere with the decision of respondent Nos.2 to 4.

At the hearing, Mr. Srinivas Bodduluri, the learned counsel for the appellant, has invited out attention to a Medical Certificate, dated 06.3.2014, issued by a Resident Medical Officer, Office of the Superintendent, Government Regional Eye Hospital, Visakhapatnam and submitted that as this Certificate discloses that the

appellant does not have any defective vision, respondent No.2 may be directed to hold another examination on her by the Medical Board. We are afraid, we cannot accept this request.

Though the Regulations do not envisages second examination by the Medical Board, respondent No.2, upon considering the opinion of a private Consultant, produced by the appellant, has conceded the request of the appellant by subjecting her to second examination by the Medical Board. Even the second opinion of the Medical Board has confirmed the defective vision of the appellant rendering her unfit for the post of Technician. The appellant has not alleged *mala fides* against either respondent Nos.2 to 4 or the members of the Medical Board. She has also failed to point out any defect in the opinions of the Medical Board.

Unless we doubt the soundness of the opinion of the Medical Board, we cannot accept the request of the appellant to conduct a third examination on her by the Medical Board merely based on a purported Medical Certificate issued by a Resident Medical Officer of a Government Regional Eye Hospital.

In our opinion, the learned single Judge has not committed any error in declining to interfere with the decision of respondent Nos.2 to 4 in cancelling the selection of the appellant for the post of Technician based on the opinions of the Medical Board.

For the afore-mentioned reasons, we do not find any merit in the Writ Appeal and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Appeal, WAMP.Nos.1569 and 1570 of 2016 filed by the appellant for interim relief are dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*29th July 2016
DR*