

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION No.17147 of 2016

Between:

Nuka Syamala Rao

....Petitioner

and

Director General Boarder Security Force Govt. of
India, Ministry of Home Affairs, Block No.NCGO Complex,
Lodhi Road, New Delhi,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 22.06.2016

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether His Lordship wishes to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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ORDER:

The petitioner applied to the post of Constable General pursuant to a notification issued by the respondents. The respondents conducted the written examination, physical test and physical efficiency test. He was successful in the written examination and was sent for medical examination. He was found medically unfit on 04.08.2011. He submitted an appeal to the Medical Board, which examined him on 31.10.2011 and found to be fit. Accordingly, proceedings were issued by the Headquarters on 20.12.2013 directing the second respondent to issue orders of appointment. Accordingly, the second respondent issued a letter on 14.02.2014 directing the petitioner to report to Commandant 31 Battalion Headquarters, Border Security Force,

Narayanpur, Malda District, West Bengal, on or before 15.03.2014 for completion of recruitment formalities. Accordingly, the petitioner reported on 14.03.2014. As per the instructions, the medical examination of the candidate is valid for one year and he will be subjected to re-medical examination after the period of one year. The petitioner was subjected to re-medical examination on 30.04.2014 and was found unfit. He submitted an appeal to the Review Medical Board. When an order of cancellation of appointment was issued on 28.06.2014, the present Writ Petition was filed.

Challenging the said proceedings of cancellation of appointment, the petitioner approached the Mandal Legal Services Committee, Amadalavalasa. An explanation was submitted by the Headquarters of South Bengal Frontier, Border Security Force, Kolkata. It was admitted in the explanation that an offer of appointment was issued by the Headquarters on 14.02.2014. The petitioner reported for duty on 14.03.2014 for completion of his enrolment formalities. Since the examination conducted earlier was valid for a period of one year, he was subjected to re-medical examination. In the re-medical examination conducted on 03.04.2014, since he was found unfit, he was produced before a duly constituted Review Medical Board comprising of three Medical Officers on 27.05.2014 and there also he was found medically unfit.

In view of the opinion of the Medical Officer, who conducted the examination on 03.04.2014, and also of the Review Medical Board comprising of three Medical Officers on 27.05.2014, this Court sees no reason to interfere with the order of cancellation of appointment. In a service like Border Security Force, the opinion of the Medical Board should be given credence and weight. This Court cannot interfere with the opinion expressed by the duly constituted Medical Board consisting of three Medical Officers.

In the circumstances, this Writ Petition is dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22.06.2016
vs