

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.317 of 2014

ORDER:

The case of petitioner is that she completed B.Sc. (Chemistry) during the academic years 2005-2008. After completion of her degree, she joined in a private laboratory in the post of Assistant Lab Technician and worked there till August 2011. When respondent No.2 issued a notification inviting applications from qualified, experienced and competent candidates for six posts of Technician along with other posts, she applied. She attended the written test on 25.08.2013 and also attended the interview on 04.10.2013. She was provisionally selected for the post of Technician and she was directed to appear for medical examination before the Company's Medical Board on 28.11.2013. Accordingly, she appeared before the Medical Board on 28.11.2013. Thereafter, she received a communication from respondent No.3 on 03.12.2013 stating that she did not meet the prescribed medical standards due to "refractive error (high)" and she was declared unfit for the post of Technician and accordingly, her selection was cancelled. Challenging the said order, the petitioner filed the present writ petition on the ground that after receiving the communication she has consulted an Ophthalmologist, who opined that she was not suffering from any "refractive error (high)".

In view of the above facts, it is not necessary to repeat the averments made in the counter affidavit, filed on behalf of the respondents, except recording the fact submitted by learned Standing Counsel for the respondents that after issuing the

communication dated 03.12.2013, the petitioner was asked to appear before the Medical Board, pursuant to the decision taken by the management. Accordingly, she appeared before the Medical Board on 24.12.2013 and the Medical Board, consisting of three members, unanimously opined that the refractive error of candidate is well above the required standard and the candidate is unfit for the job.

Though the learned Standing Counsel for the respondents brought to the notice of this Court that the petitioner can be disqualified on another ground of suppression of information with regard to the employment of close relative in the organization in her application for appointment, this Court feels that the said issue need not be considered at this stage.

However, in view of the unanimous opinion of the Medical Board, constituted by the employer on its own, this Court holds that the proceedings dated 03.12.2013 issued by respondent No.3 does not suffer from any illegality.

Accordingly, this Writ Petition is dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

15.06.2016

MVA