

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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Writ Appeal No.27 of 2016
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JUDGMENT: (per Hon'ble Sri Justice Ramesh Ranganathan)

This appeal is preferred against the order passed in W.P.No.8153 of 2015 dated 24.04.2015 directing the appellant herein to consider the medical report furnished by Sankara Eye Care Institution, Guntur, dated 06.04.2015; and to review the order passed on 10.12.2014 terminating the services of the respondent-writ petitioner.

The respondent-writ petitioner was engaged as a driver, on contract basis, by the A.P.S.R.T.C from January 2010 onwards. He was sent for periodical medical examination on 10.12.2012 and the Doctor, who examined him, found him unfit to be continued as a Driver under A1 category because he was suffering from colour blindness. On an appeal being preferred there against, the respondent-writ petitioner was directed to undergo an eye examination at the Tarnaka Hospital on 14.12.2012. The petitioner alleged that no medical board had examined him; a trainee doctor, who was present there, had alone examined him; and, based on his report, he was terminated without any notice.

The petitioner contended before the learned Single Judge that he had examined himself at the Rotary Eye Hospital, Vuyyuru on 23.07.2014, and at the Government General Hospital, Vijayawada on 11.02.2015, both of whom had certified that he did not suffer from any defect of colour blindness. The learned Single Judge directed the petitioner to undergo eye examination, for determining his colour vision, at Sankara Eye Care Institution, Guntur.

The respondent-writ petitioner produced a certificate from the said Hospital which showed that he did not suffer from colour blindness. As the appellant suspected that the respondent-writ petitioner may not have undergone medical examination himself, they asked him to undergo another medical examination at the Sarojini Devi Eye Hospital,

Hyderabad, and forwarded his application along with his photograph thereupon. The Sarojini Devi Eye Hospital, Hyderabad issued certificate dated 05.06.2015 stating that the respondent-writ petitioner's colour vision was defective.

Sri P.Durga Prasad, learned counsel for the appellants, would submit that the direction issued by the learned Single Judge to review the writ petitioner's case solely on the basis of the certificate issued by Sankara Eye Care Institution, Guntur would necessitate his being continued as a Driver, though the subsequent certificate issued by Sarojini Devi Eye Hospital, Guntur shows that he suffered from colour blindness; and, therefore, the order of the learned Single Judge necessitates interference.

Sri E.Madan Mohan Rao, learned counsel for the respondent-writ petitioner, would submit that the learned Single Judge had directed the appellant herein to review their earlier decision terminating the services of the writ petitioner, taking into consideration the report furnished by Sankara Eye Care Institution, Guntur; and, if the appellant seek to place reliance also on the subsequent certificate issued by Sarojini Devi Eye Hospital, Hyderabad, the order of the learned single Judge does not disable them from doing so.

In the light of the submission of Sri E.Madan Mohan Rao, learned counsel for the respondent-writ petitioner, the order of the learned Single Judge is modified to the limited extent that the appellants shall review the decision taken by them earlier on 10.12.2014, terminating the services of the writ petitioner, taking into account all medical reports in this regard, including the medical report furnished by Sankara Eye Care Institution, Guntur and the certificate issued by Sarojini Devi Eye Hospital, Hyderabad; thereafter pass an order in accordance with law; and communicate the same to the respondent-writ petitioner.

The writ appeal is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M. SATYANARAYANA MURTHY, J

Date: 17.03.2016

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

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