

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

Writ Petition No.10659 of 2017

DATED:07-08-2017

Between:

A. Murali Krishna ... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary to Government
Home Department
Secretariat, Velagapudi, Amaravathi
Guntur District
and others ... Respondents

COUNSEL FOR THE PETITIONER : Mr. Mukaram Khan,
for Mr. V. Ravichandran

COUNSEL FOR THE RESPONDENTS: G.P. for Home (AP)



THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

The petitioner, who could not be selected for the post of Stipendiary Police Constable along with many others, approached the Andhra Pradesh Administrative Tribunal (for short, "the tribunal") , by filing O.A. No.10616 of 2012. The said O.A. along with two other O.As filed by similarly situated persons, was disposed of by order dt.10.12.2015, whereunder the tribunal has declined to interfere with the decision of the respondents. The tribunal in its order has observed that the petitioner was examined on 04.12.2012 by the Medical Board headed by its Chairman and Superintendent of Sarojini Devi Eye Hospital along with two Civil Surgeons and one Assistant Surgeon, during which the petitioner was found to be having defective vision and hence he was declared as unfit for the employment. Having considered the said fact, the Tribunal by the impugned order has dismissed the batch of the O.As.

2. During the hearing of this case, a Division Bench of this Court has passed an order on 27.3.2017 directing respondent No.2 to refer the case of the petitioner to the Regional Eye Hospital, Visakhapatnam, for examination and verification of his distant and colour vision. The said Hospital was also directed to submit a report to the Court in a sealed cover. Accordingly, report dt.17.4.2017 has been received from the Superintendent, Government Regional Eye Hospital, Visakhapatnam, wherein it is stated that on examination of the visual standards of the petitioner, the following results have been ascertained.

"Distant Vision:

Right Eye - 6/9 with correction 6/6
Left Eye - 6/9 with correction 6/6

Near Vision: Both Eyes - Uncorrected N6

Field of Vision - Normal

Colour Vision - Normal"

3. The learned counsel for the petitioner submitted that if the aforementioned report is considered, his client will be eligible for the appointment.

4. In our opinion, the necessity of calling for a second opinion from an expert may arise only if the correctness or otherwise of the opinion of the Medical Board is seriously disputed and *prima facie* material is produced to show that such opinion suffers from any defect. No such effort has been made by the petitioner, for this Court to conclude that the Medical Board's opinion is incorrect. Therefore, we do not find any reason to doubt the correctness of the opinion of the Medical Board based on which the petitioner was declared as not eligible due to defective vision, and consequently we are not inclined to rely upon the opinion of the Government Regional Eye Hospital.

5. For the aforementioned reasons, the writ petition fails and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.13214 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

07-08-2017

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