

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

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT APPEAL No.1689 OF 2017

Date:10.11.2017

Between:

Parsha Sushmitha Kumari D/ o.P. Manik Kumar,
Aged 28 years, R/ o.17-2-317/ 4, Kurmaguda, Saidabad,
Hyderabad.

...Appellant

Vs.

The State of Telangana, Rep. by its
Principal Secretary, Roads & Transport
Department, Secretariat, Hyderabad and others.

... Respondents

For Appellant : Sri T.S. Rayalu

For Respondents : G.P. for Roads & Buildings (TG)
G.P. for Medical & Health and Family
Welfare (TG)
D. Bala Kishan Rao



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT APPEAL No.1689 OF 2017

JUDGMENT: (per V. Ramasubramanian, J)

Aggrieved by the dismissal of her writ petition, challenging the declaration that she is medically unfit for appointment to the post of police constable, the writ petitioner has come up with the above writ appeal.

2. Heard Mr.T.S. Rayalu, learned counsel for the appellant. Mr. D. Bala Kishan Rao, learned counsel takes notice for the Public Service Commission.

3. Pursuant to a notification issued by the Public Service Commission in Notification No.5/2016, the appellant applied for appointment to the post of Transport Constable in the Transport Department. The notification stipulated certain physical measurements. In a medical examination conducted on 31.01.2017 and 01.02.2017, the Medical Board opined that the chest measurement and the vision of right eye of the appellant were not up to the requirements. Therefore, she was disqualified.

4. Challenging her disqualification and seeking a second Medical Board, the appellant filed a writ petition. The writ petition was dismissed by a learned single Judge, after finding that there are no allegations of *malafidies* against the members of the Medical Board. Therefore, the appellant is before us.

5. As seen from the order of the learned single Judge, the selections were already over in May, 2017 and appointment orders have also been issued. The learned Judge followed the ratio laid down by a

Division Bench of this Court in Ponnala Praveen v. State of Andhra Pradesh¹, to which one of us (VRS, J) was a party. It was held in the said decision that in the absence of any glaring mistakes or *malafidies*, the Court cannot direct constitution of a second Medical Board. We see no reason to interfere with the order of the learned Judge.

6. Hence, the Writ Appeal is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

November 10, 2017
KTL

M. GANGA RAO, J



¹ 2017 (3) ALT 728 (D.B.)