

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.246 of 2017 (O&M)
Date of Decision: May 24, 2017

Mani Ram

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

Present: Mr.C.R.Dahiya, Advocate, for the appellant.

-.-

Surya Kant, J. (Oral)

The appellant was a candidate for recruitment as Constable in Haryana Police. He qualified all the hurdles and was selected. He was allocated registration No.341/BCA and was permitted to appear for medical examination. The appellant was examined on 01.02.2013 by the Special Medical Board constituted by Civil Surgeon Ambala but having found defect in one of his eye, he was declared unfit for the post.

[2] The appellant was re-examined by the Medical Board of Post Graduate Institute of Medical Sciences, Rohtak, where a team of three senior Ophthalmologists unanimously opined that he was unfit for the post of Constable. The appellant's candidature was consequently cancelled and next candidate in order of merit was adjusted against the said post.

[3] The aggrieved appellant approached this Court but the learned Single Judge vide order under appeal has dismissed his writ petition. Hence, this intra-court appeal.

[4] We have heard learned counsel for the appellant who has placed reliance on Rule-3.5-A reproduced by learned Single Judge in the

impugned order.

[5] It is true that said Rule confers right to a candidate to appeal before the Appellate Medical Board against the opinion of the Medical Board but such a recourse, in our considered view, stands exhausted in this case. The appellant was firstly declared unfit by the Special Medical Board constituted by Civil Surgeon, Ambala, against which an appellate forum comprising three senior Ophthalmologists in Post Graduate Institute of Medical Sciences, was constituted and the said Expert Team also opined against the appellant.

[6] Moreover, the appellant filed 2nd appeal against the opinion of the 2nd Medical Board after a lapse of five months on 09.09.2013. It was too late to consider his such request more so when the next candidate in order of merit already stood appointed.

[7] For the reasons afore-stated, we do find any merit in this case.

[8] Dismissed.

[SURYA KANT]
JUDGE

May 24, 2017
mohinder

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.518 of 2017 in
LPA No.246 of 2017

Mani Ram - - -
 versus State of Haryana and others

Present : Mr.C.R.Dahiya, Advocate,
 for the applicant-appellant.
 * * *

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and exemption from filing certified
copies of the impugned order and documents (P-1 to P-18) is granted.

CM stands disposed of.

(SURYA KANT)
JUDGE

May 24, 2017
mohinder

(HARI PAL VERMA)
JUDGE