

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.9789 OF 2017

Vandana Vishnu Dudhe

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr C.R. Thorat, Advocate for petitioner

Mr P.S. Patil, A.G.P. for respondents no.1 to 4

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

Date : 1st March 2018

PER COURT

1. Mr Thorat, learned Counsel for the petitioner submits that the respondent no.5, is ineligible and unfit for the post of Police Patil. The respondent no.5 is disabled in right lower limb. The disability is 42%. The certificate of the medical board issued on 17.2.2010 proved the said fact.

2. The learned Counsel submits that the Tribunal ought to have referred respondent no.5 to the medical board. Without doing so, the Tribunal has relied only upon the report of the Medical Superintendent, Rural Hospital, Phulambri. The same is erroneous. Contrary evidence is on record of the medical board.

3. Learned A.G.P. appears for respondents no.1 to 4 and supports the order.

4. The advertisement states that the fitness certificate shall be obtained from the Medical Superintendent, Rural Hospital or Senior Medical Officer. The Tribunal has discussed that the certificate produced on record showing 42% disability of respondent no.5 is dated 17.2.2010. The certificate nowhere shows that it is a permanent disability. Upon the objection raised by the petitioner, respondent no.5 was referred to the Medical Superintendent, Rural Hospital, Phulambri. Respondent no.5 appeared before the Medical Superintendent, Rural Hospital, Phulambri for medical examination. Upon medical examination, it was found that respondent no.5 was physically fit to discharge duty as Police Patil and he did not notice any disability. The certificate is issued to that effect and after considering the said certificate, the appointment of respondent no.5 is continued as Police Patil. The procedure, as is required to be followed prescribed in the advertisement has been adhered to.

5. The Tribunal has not committed any error while passing the impugned order. As such Writ Petition is dismissed. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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