

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.37180 of 2015

B.Salvin

... Petitioner

vs.

1. Director (Recruitment),
Coast Guard Head Quarters,
Directorate of Recruitment,
A-1, Sector - 24, Noida Opposite
HCL Technologies Dist Gautam Budh Nagar,
Uttar Pradesh - 201 301.

2. The Commanding Offficer,
INS Chilka P.O.Chilka District Khurda,
Odisha - 752 037.

3. The Recruiting Officer,
INS Chilka P.O.Chilka District Khurda,
Odisha - 752 037.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2015 sent to the 2nd respondent in relation to the letter dated 22.08.2015 issued by the 3rd respondent and issue a consequential direction to the respondents to consider the petitioner's candidature for enrollment in the Indian Coast Guard for the post of Yantrik Technical (Electrical).

For Petitioner : M/s.S.Saravanan

For Respondents1- 3 : M/s. Sunitha Kumari, CHSC

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the petitioner's representation dated 25.09.2015 sent to the 2nd respondent in relation to the letter dated 22.08.2015 issued by the 3rd respondent and issue a consequential direction to the respondents to consider the petitioner's candidature for enrollment in the Indian Coast Guard for the post of Yantrik Technical (Electrical).

2. The petitioner states that he is fully qualified for appointment to the post of Yantrik Technical (Electrical) in the Indian Coast guard. Pursuant to the notification, he participated in the process of selection and was successful in the written examination. Accordingly, the writ petitioner was allowed to participate in the medical test conducted by the Competent Selection Authorities. Though the petitioner was successful in all the examinations and in the interview, his candidature was rejected without any valid reason. The petitioner states that declaring him as unfit to the job without providing him an opportunity is in violation of the principles of Natural Justice.

3. The learned counsel appearing on behalf of the respondents opposed the contentions by stating that the writ petitioner was not successful in medical examination and he was declared as unfit due to "Hyperhidrosis". Thus, the petitioner was not enrolled in the Indian Coast Guard. This Court is of an opinion that, the findings arrived by the Competent Medical Board during the medical examination can never be interfered with by the Courts. The opinion of the medical experts are final unless it is established that the reports are highly tainted or on extraneous considerations. In the absence of any such grounds, the report of the Medical Board appointed for the purpose of selection is final. The Court cannot have any say in respect of such expert's opinion.

4. This apart, the petitioner has not raised any personal allegations against particular members of the Medical Board. Petitioner has not challenged the order of rejection issued by the Competent Authorities. During the medical examination, admittedly, he was declared as unfit due to "Hyperhidrosis" and even during the second medical examination the petitioner was not successful. This being the factum of the case, this Court cannot interfere with the decision taken by the Competent Authorities during the process of selection and therefore the writ petitioner has not made out any acceptable legal grounds for the purpose of granting the relief as such sought for in the present writ petition.

5. Accordingly the writ petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

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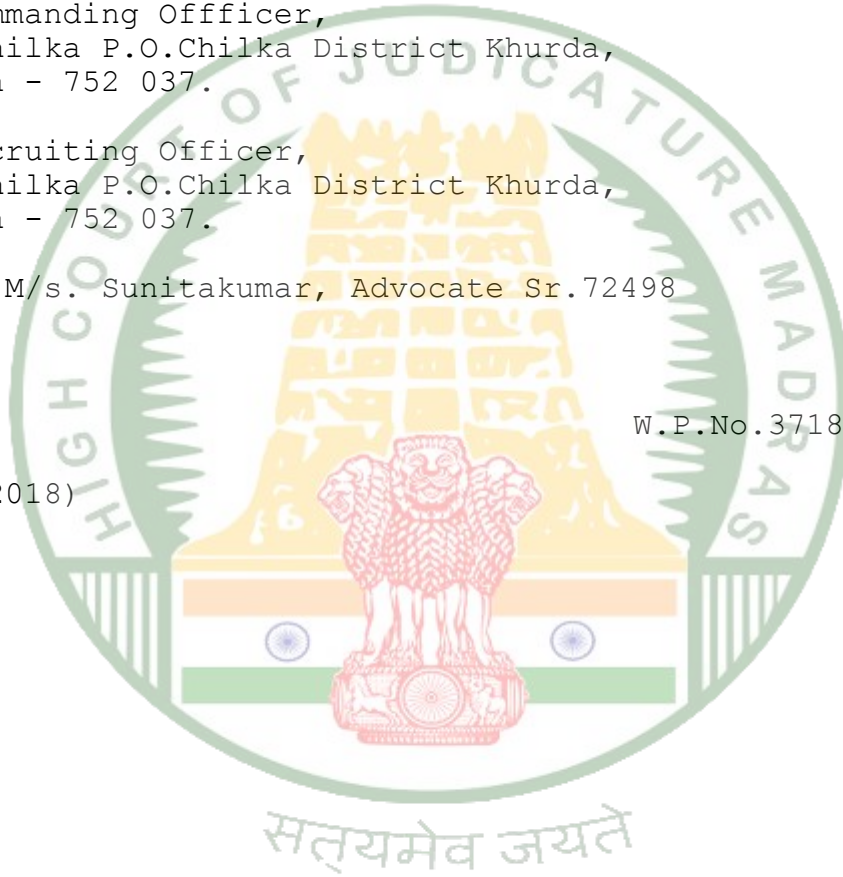
Sub Assistant Registrar

To

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INS Chilka P.O.Chilka District Khurda,
Odisha - 752 037.
- + 1 cc to M/s. Sunitakumar, Advocate Sr.72498

SV(CO)
EU(13/11/2018)

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