

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 21.12.2018

CORAM:

THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition No.32080 of 2018

C.Pown Kumar

.. Petitioner

- Vs -

1. Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Chairman, No.807 P.T.Lee Chengalvaraya Naicker
Maaligai, Anna Salai, Chennai 600 002
 2. The Director General of Police, O/o. The Director General of Police,
Dr. Radhakrishnan Salai, Chennai 600 004
 3. The Superintendent of Police, Salem District,
Salem
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the second respondent to pass orders on the letter sent by the third respondent on 02.01.2018 in Na.Ka.No.A3/109/12641/2017 requesting him to issue orders for subjecting the petitioner to the second medical examination within a stipulated period that may be fixed by this Court.

For Petitioner : Mr. P.P.Shanmugasundaram

For Respondent : Mr. V.Kadhirvelu, Spl.G.P., for R-1

Mr. A.N.Thambidurai, Spl.G.P., for R-2 & R-3.

ORDER

The petitioner, who remained unemployed, is a B.Sc., degree holder belonging to Backward Class Community.

2. The first respondent called for applications from the eligible candidates for the post of Police Constable Grade II. The petitioner applied for the same and sent all his documents.

3. The first respondent conducted the written examination in which the petitioner became successful and provisionally selected and then called for medical examination and police verification. In the written examination, he got 61 marks. Physical efficiency test was conducted by the first respondent. The petitioner was sent for medical examination to be held at Government Hospital, Salem. But the third respondent, by the communication dated 06.10.2017 informed the petitioner that he has got "defective vision" and in view of the same, the petitioner was not appointed to the post of Police Constable, Grade II as per Rule 13 (a) and 13 (d) of the Tamil Nadu Police Subordinate Service Rules and Rule 14 (b) (i) of the Tamil Nadu Special Police Subordinate Service Rules.

WEB COPY

4. The third respondent further informed that the petitioner, if aggrieved, he may file an Appeal before the authorities, for second medical examination, as provided under paragraph 576 of the Madras Medical Code.

5. The petitioner obtained a certificate with regard to vision, from Dr.S.Ganeshkumar, Civil Assistant Surgeon, Government Headquarters, Mettur Dam, certifying that the existing vision of the petitioner is according to norms and the petitioner is fit to work as Constable. Thereafter, based on the certificate, the petitioner submitted another application to the third respondent requesting him to conduct second medical examination. Thereafter, several representations have been submitted for subjecting the petitioner for second medical examination and as they are not considered by the respondents, this writ petition has been filed.

6. The learned Special Government Pleaders appearing for the respondents, on instructions, would submit that the second respondent is the competent authority to permit the petitioner to subject himself for second medical examination and the order of the second respondent has to be communicated to the third respondent.

7. Under the said circumstances, the second respondent is directed to submit the requisite proposal for sending the petitioner for second medical examination, within a period of two weeks from the date of receipt of a copy of this order and on such receipt, the third respondent shall send the petitioner for second medical examination, within next two weeks thereafter.

DR. S.VIMALA, J.

srk

8. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected WMP is closed.

21.12.2018

Index : Yes / No

Internet : Yes / No

srk

Note to office.: Issue order copy on / before 24.12.2018.

To

- 1 The Joint Registrar of Co-operative Societies
Villupuram Zone, Villupuram
- 2 The President, Management
CL.Spl.99 - Ongur Primary Agriculture Co-Operative
Credit Society
Ongur Village and Post Tindivanam Taluk
Villupuram District.

WEB COPY

W.P.No.32080 of 2018
& WMP No.37326 of 2018