



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP (MD) No. 2833 of 2018
and
WMP (MD) No. 3006 of 2018

V. Karupiah @ Selvam

... Petitioner

Vs.

The Executive Officer,
Devathanapatti Town Panchayat,
Periyakulam Taluk,
Theni District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to refer the petitioner to Medical Board for re-examination either before the Medical Board of Madurai Rajaji Government Hospital or Medical Board of Chennai Rajiv Gandhi Government Hospital & Medical College as per the representation of the petitioner dated 25.12.2017.

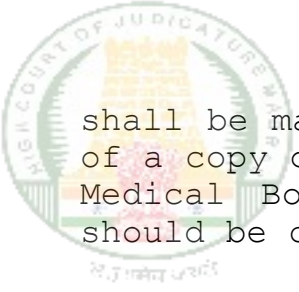
For petitioner : Mr. K. Appadurai
For respondent : Mr. M. Rajarajan

O R D E R

By consent of both parties, the main writ petition is taken up for final disposal.

2. The petitioner is holding a substantive post of Sanitary Worker in the respondent/Panchayat. He is having a valid driving license. Now, vacancies have been arisen in the post of Driver in the same Panchayat. The petitioner being an in-service candidate is also entitled to be considered for being appointed as a Driver. However it appears that the Medical Board has given an opinion that the petitioner is not fit for working as a Driver.

3. Therefore, the petitioner wants his case to be referred to Medical Board for re-examination. There is merit in the petitioner's request. Therefore, the respondent is directed to refer the petitioner to Medical Board of Chennai Rajiv Gandhi Government Hospital & Medical College, Chennai. Such reference



shall be made within a period of two weeks from the date of receipt of a copy of this order. Based on the report submitted by the said Medical Board, the petitioner's case for promotion as a Driver should be considered by the respondent.

4. This Writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-)

+ 1 CC TO Mr.K.APPADURAI, ADVOCATE IN SR No. 49181

KMI

TE/SKN/SAR-1 : 24/07/2018 : 2P/2C

WP(MD)No.2833 of 2018 and
WMP(MD)No.3006 of 2018
16.02.2018