

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.03.2018

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THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM****W.P. (MD) No.3250 of 2011**

R.Rajeshwaran

... Petitioner

-vs-

1. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T.Lee Chengalvaraya Naicker Maligai,
Anna Salai,
Chennai - 600 002.
2. The Additional Director General of Police (Prison),
Egmore, Chennai.
3. The Dean,
Government Rajaji Hospital,
Madurai.

... Respondents

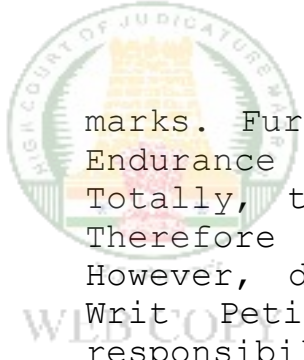
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to appoint the Petitioner as Grade-II jail Warder in pursuance of the examination conducted by the first respondent in Combined Recruitment of Grade-II Police Constables/Grade-II jail Warders/Fireman-2010.

For Petitioner : M/s.R.R.Kannan
For Respondents : Mr.V.P.M.Vaishnavi
Government Advocate

O R D E R

The relief sought for in this Writ Petition is to direct the respondents 1 and 2 to appoint the Petitioner as Grade-II Jail Warder in Tamil Nadu Police Service.

2.Pursuant to the notifications issued for recruitment to the post of Grade-II Police Constables/Grade-II jail Warders/Fireman-2010 in Tamil Nadu Police Service, the Writ Petitioner submitted his application and accordingly participated in the process of selection. The Writ Petitioner was successful in the written examination held on 8.10.2010 and secured 56 marks out of 80



marks. Further, the Petitioner secured 15 marks in the Physical Endurance Test out of 15 marks. 5 marks for NCC/NSS/Sports. Totally, the Petitioner had secured 71 marks out of 100marks. Therefore eligible for appointment to the post of Jail Warder. However, during the medical examination, it was found that the Writ Petitioner was not fit to perform the duties and responsibilities attached to the Grade-II Jail Warder.

3.The learned Government Advocate appearing for the respondents submitted that the Medical Board Certificate, dated 07.12.2011 was issued by the Cardiologist, Senior Civil Surgeon, Government General Hospital, Chennai - 600 003 along with two members. The report of Medical Board Examination of the Writ Petitioner is as follows:

"Chronic Rheumatic Heart Disease. Mitral Stenosis mild. This is a chronic progressive disease which will require life long follow up and treatment. He is unfit for the post of Grade-II Jail Warder."

4.This Court is of an opinion that the Writ Petitioner has to undergo hard training for performing the duties and the responsibilities of a Grade-II Jail Warder. Since the Medical Report states that he is having hard ailments. it is not preferable that he joins the Uniformed Services. Further the Medical Board found him not fit for to the post of Grade-II Jail Warder. Report of the Medical Board cannot be questioned since, the Team of Doctors namely Cardiologists examined the Writ Petitioner. This being the factum of the case, the non-selection of the Writ Petitioner is in accordance with law and there is no infirmity as such.

5.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T.Lee Chengalvaraya Naicker Maligai,
Anna Salai,
Chennai - 600 002.

<https://hcservices.ecourts.gov.in/hcservices/>

- 2.The Additional Director General of Police(Prison),
Egmore, Chennai.



3. The Dean,
Government Rajaji Hospital,
Madurai.

+ 1 cc TO Mr.RR.Kannan , Advocate in SR No. 58101

+ 1 cc TO The Special Government Pleader in SR No. 58445

vsn

AE/SKN RSK/SAR3/17.04.2018/3P/6C

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