



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE **S.M. SUBRAMANIAM**

W.P. (MD) No.1358 of 2013

and

W.M.P. (MD) Nos.1 to 3 of 2013

Ramesh Kumar

... Petitioner

-Vs-

1. The Tamil Nadu Uniformed Services,
Recruitment Board represented by its Chairman,
807, P.T. Lee,
Chegalvarayya Naicker Maligai,
Annassalai, Chennai-600 002.

2. The Commissioner of Police,
Madurai City.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records from the 2nd respondent pertaining to his proceedings in letter No.Na.Ka.B.1/435/2013 dated 04.01.2013 and quash the same and consequently direct the respondents to conduct a fresh eye testing for the petitioner and to appoint the petitioner as a Grade II Police Constable 2012.

For Petitioner

: Mr.T.Sekar

For Respondents

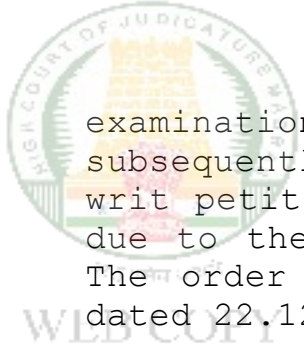
: Mr.R.Sethuraman

Special Government Pleader

ORDER

The relief sought for in this Writ Petition is to call for the records in relation to the order passed by the second respondent in proceedings No.Na.Ka.B.1/435/2013 dated 04.01.2013 and quash the same and direct the respondent to appoint the petitioner as Grade II Police Constable in Tamil Nadu Uniformed Services.

2.The Writ petitioner pursuant to the notification issued for recruitment to the post of Grade II Police Constable submitted an application. Accordingly, the petitioner participated in the written examination and successfully passed. The writ petitioner was called for Physical verification and appeared before the authorities on 28.08.2012. The test was conducted and the writ petitioner had passed in all the physical examinations. After the physical examination, the petitioner was referred for medical



examination. The medical examination was completed and subsequently, the second respondent communicated a letter to the writ petitioner stating that the writ petitioner had not selected due to the reason that "Eyes not fit due to refractive error". The order was passed based on the report of the medical board dated 22.12.2012.

3.The learned counsel appearing on behalf of the writ petitioner states that one DR.S.Bala Parvathi, running Nainar Eye & Dental Clinic, 104, Thirupparankundam Road, Madurai-625 001, issued an fitness certificate in favour of the writ petitioner on 09.01.2013. Relying on the said medical certificate, the learned counsel for the writ petitioner states that the writ petitioner is having normal eyesight and defects as such stated in the impugned order cannot be considered and consequently the petitioner should be appointed in the Post of Grade II Police Constable.

4.The learned Special Government Pleader appearing on behalf of the respondents states that two medical board examination were conducted in respect of the writ petitioner and twice the medical board submitted the report stating that the writ petitioner is "not fit due to refractive error". Therefore the medical Board examination was conducted twice in respect of the writ petitioner and the board given a medical report stating that the petitioner is suffering from some eye defects and therefore the writ petitioner is not fit to be appointed to the post of Grade II Police Constable in Tamil Nadu Police Service.

5.This Court is of an opinion that the doctor certificate obtained at the instance of the petitioner cannot be relied upon. Those certificates obtained independently by the candidates through some doctors cannot be trusted upon. The doctors, who had verified the eyesight of the petitioner also not clarified certain details in respect of the examination conducted. However, this Court has to go by the report of the medical board duly constituted and recognised by the selection committee. When the selection committee referred the case of the writ petitioner for the examination by the medical board, the medical board also submitted a report holding that the writ petitioner is having some eye defect and unfit for appointment as Grade II Police Constable, then there is no reason to consider the case of the petitioner.

6.Thus, this Court has to trust upon the reports submitted by the recognised medical board than that of the doctor certificate, which was obtained by the writ petitioner behind the back of the selection committee authorities. This being the factum, this Court is of an opinion that the writ petitioner has not established his case in respect of the medical examination before this Court has no option but to accept the report of the medical board submitted in this regard and twice the writ petitioner was examined by the medical board and in both



occasions it was found that he is not fit for appointment as Grade II Police Constable on account of his eyesight problems.

7. Thus, the writ petitioner has not established any acceptable legal ground so as to consider the case of the writ petitioner for appointment to the post of Grade II Police Constable in Tamil Nadu Police Service. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, W.M.P.(MD)Nos.1 to 3 of 2013 are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board,
807, P.T. Lee,
Chegalvarayya Naicker Maligai,
Annassalai, Chennai-600 002.

2. The Commissioner of Police,
Madurai City.

+1cc to The Spl.Government Pleader SR.No.50260

TA

VB/SV/MMS/SAR4/14/03/2018/3P/4C

W.P (MD) No.1358 of 2013
20.02.2018