



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.514 of 2013

and

M.P.(MD).No.1 of 2013

D.Muthu Kumar

... 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 Director General of Police,
O/o Director General of Police Head Office,
Chennai-04.

3.The Commissioner of Police,
Madurai City,
Madurai.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order of disqualification passed by the 3rd Respondent vide his proceedings in Na.Ka.No. B1/449/2013 dated 04.01.2013 pertaining to disqualifying the petitioner from recruitment on the ground of mallet finger and to quash the same as improper and consequently direct the Respondents to recruit the petitioner as Grade II Police Constable in the Common recruitment of Grade II Police constables/Grade II Jail Wardens/Firemen 2012.

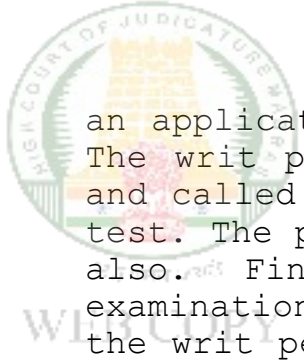
For Petitioner : Mr.K.Mahendran

For Respondents : Mr.M.Muthu,
Additional Government Pleader.

ORDER

The order of non selection of the writ petitioner for recruitment to the post of Grade II police constable for the year 2012 is under challenge in this writ petition.

2.Pursuant to the recruitment notification for appointment to the post of Grade II Police Constable, the writ petitioner submitted



an application accordingly participated in the written examination. The writ petitioner successfully passed in the written examination and called for to attend physical verification test and eligibility test. The petitioner had succeeded in the physical verification test also. Finally the petitioner was directed to undergo the medical examination. At the time of medical examination, it was found that the writ petitioner is having "Orothopaedically unfit due to mallet finger" and the doctors, who have examined the petitioner, found that he is having "Orothopaedically unfit due to mallet finger" and accordingly the selection was deferred. Challenging the order impugned dated 04.01.2013, the present writ petition has been filed.

3.The learned counsel appearing on behalf of the writ petitioner contended that the writ petitioner has submitted certain medical report obtained from private hospitals. The learned counsel appearing for the petitioner states that those hospitals are reputed one and therefore, certificates issued by the said Hospitals should be recognised.

4.The learned Additional Government Pleader appearing on behalf of the respondents states that pursuant to the interim order granted by this Court, the writ petitioner was subjected to second medical examination by the medical board more specifically the Department of Orthopaedics Surgery and Traumatology, Government Rajaji Hospital Annex, Madurai-20, who examined the petitioner and submitted a report stating that the petitioner is not fit for appointment to the post of Grade II Police Constable on account of the "Post traumatic flexion contracture of PIP joint of index finger Right hand and tremors". This being the second report submitted by the medical board, the claim of the petitioner cannot be considered.

5.This court is of the opinion that medical certificates obtained by the petitioner at his own volition cannot be trusted upon nor such document can be relied for the purpose of granting employment in the Government services. The medical examination report and the certificates issued by the medical board constituted by the Government for this purpose alone can be considered in this regard. Thus, the certificates produced at the instance of the writ petitioner at his own volition cannot be considered for the purpose of recruitment to the post of Grade II Police Constable. This being the factum of the case, this Court is of the opinion that the medical board report alone will prevail over in respect of selection to the post of Grade II Police Constable. Pursuant to the interim order granted by this Court, the writ petitioner was once again examined by the Special Medical Board constituted for the purpose of examining the writ petitioner. Even the second medical Board has also confirmed that the writ petitioner is having "Post traumatic flexion contracture of PIP joint of index finger Right hand and tremors", the petitioner was disqualified.

6.This being the factum of the case, there is no reason to entertain the claim of the writ petitioner for appointing him to the



post of Grade II Police Constable and accordingly the Writ Petition stands dismissed as devoid of merits. No costs. Consequently, M.P. (MD).No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

WEB 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.

2.The Director General of Police,
O/o Director General of Police Head Office,
Chennai-04.

3.The Commissioner of Police,
Madurai City,
Madurai.

+1CC to the Special Government Pleader SR.No.50950

W.P. (MD) No.514 of 2013
and
M.P. (MD) .No.1 of 2013
21.02.2018

vsg/ta

AM/SV MMS/SAR 3/07.03.2018/3P/5C