

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9952 OF 2018

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in not referring the case of the petitioner to the Medical Board and in not declaring the petitioner as medically unfit for service as per the Mines Act, 1952 and its Rules 1955, as illegal and arbitrary and violative of principles of natural justice and consequently declare that petitioner is unfit for service of the respondent as the petitioner is suffering with Epilepsy.

Heard both sides.

Since the petitioner in the present case, without making any proper representation to the competent authority of the respondent – Company, for referring his case to the medical board for declaring him as medically unfit on the ground that he is suffering from ailment of Epilepsy, straight away approached this Court for declaring the action of the respondent – Company, as illegal and violating of Mines Act, 1952 and the Rules made there under, I am of the considered opinion that the writ petition cannot be entertained, as the respondents have no opportunity at the first instance, to consider the claim of the petitioner in accordance with law.

Hence, the writ petition is dismissed. However, it is open for the petitioner to approach the competent authority and make necessary application and it is for the said authority to consider

and dispose of the same, in accordance with law, within a reasonable time. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

10.04.2018
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A.RAJASHEKER REDDY, J

