

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.24431 OF 2018

Dated:27.07.2018

Between:

Vankudoth Srinivas S/o. V. Venkatram,
Age 27 years, Occ: Unemployee,
R/o.H.No.24-87/2, Kalakatha Thanda,
Gudur (V)(P)(M), Warangal District,
H.T.No.1448012476

.. Petitioner

And

State of Telangana, rep., through Special
Chief Secretary, Department of Forests,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.24431 OF 2018****ORDER:**

Heard.

2. Petitioner participated in the selection for recruitment to the post of Forest Beat Officer, pursuant to the recruitment notification No.48/2017, dated 15.08.2017, issued by the Telangana State Public Service Commission (TSPSC). Against the vacancies reserved to be filled up by the Scheduled Tribe candidates belonging to the agency area, in the selections conducted by the TSPSC, petitioner secured high merit. After final selection process, the candidates were subjected to physical examination, which includes measurement of chest expansion and walking test. As per the requirements of the medical examination, the candidates must have minimum 5 cms., of chest expansion and if any candidate does not have chest expansion of minimum 5 cms., he is not eligible to be appointed as Forest Beat Officer. After clearing the chest expansion test, candidates were also subjected to walking test of 25 kms., in maximum of four hours.

3. According to learned counsel for the petitioner, petitioner completed walking test of 25 kms., in a record time of 3:35 hours i.e., much earlier to the prescribed limit. Learned counsel submits that there was a wrong assumption of chest expansion treating the chest expansion as 3 cms., and illegally petitioner is denied employment even though he secured high merit.

4. Having regard to this allegation, learned Government Pleader for Forests was directed to obtain instructions as to how the test

was conducted. Learned Government Pleader produced the photocopy of Annexure – I dealing with the Physical Measurement Check List of petitioner dated 02.07.2018. This Check List would disclose that against the chest expansion column of the petitioner, it was recorded as 3 cms., and it was signed by the candidate. Further, at the end of the page, it is seen that a declaration was also obtained by the candidate that he voluntarily participates in walking test of 25 kms. Learned Government Pleader therefore points out that chest expansion measurements were taken prior to subjecting the petitioner to walking test and irrespective of the result of medical examination, the candidates were subjected to walking test.

5. Learned counsel for the petitioner submits that immediately after the medical examination, having found that there was wrong assumption of chest expansion, a representation, dated 04.07.2018, was made by the petitioner. Petitioner submitted another representation on 05.07.2018. It is seen from the first representation dated 04.07.2018 that the petitioner was complaining that the chest expansion measurement was exchanged and the measurement of another candidate was entered against the petitioner. In the second representation dated 05.07.2018, petitioner was submitting that as he belongs to agency area with lack of nutritional food, he did not have good development of chest and therefore he could not reach the standard of expansion and as the relaxation was granted to Scheduled Tribe agency candidates by the Kakatiya University in the selections conducted, the same should have been extended to him also.

6. Initially, petitioner complained that there was exchange of chest expansion measurements, but subsequently sought for relaxation. As seen from Annexure – I, Physical Measurement Check List of the petitioner, such statement was prepared to each of the candidates independently and their signatures were obtained and photocopy contains the signatures of petitioner against the medical examination and in the declaration to undergo walking test. Thus, it cannot be said that there was exchange of chest expansion measurements of petitioner by another candidate.

7. With reference to second medical examination, learned counsel as well as learned Government Pleader places reliance on the decision of the learned single Judge of this Court in W.P.No.26098 of 2017, dated 16.08.2017. The said Writ Petition concerns recruitment of transport constables, wherein the petitioner sought for further medical examination. Following the earlier decision of this Court in **Pannala Praveen v. State of Andhra Pradesh**¹, learned single Judge dismissed the Writ Petition holding that it was not permissible to order second medical examination. The said decision of the learned single Judge was affirmed by the Division Bench of this Court in W.A.No.1689 of 2017, dated 10.11.2017.

8. In view of the same, no direction to hold second medical examination can be granted, at this stage. I therefore see no merit in the Writ Petition and the same is liable to be dismissed.

¹ 2017 (3) ALT 728 (D.B.)

9. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:27.07.2018

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