

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25972 OF 2018

Dated:17.08.2018

Between:

Bandla Gurumurthy, S/o. Mutyapurao,
Aged 33 years, Not employed, R/o. Chintakunta
Village, Mangapet Mandal, Jayashankar
Bhupalapalli District

.. Petitioner

And

Telangana State Public Service Commission,
Rep., by its Secretary, Nampally, Hyderabad,
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.25972 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 this 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 to be eligible for appointment 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 3:43 hours i.e., much earlier to the prescribed limit. Learned counsel submits that there was a wrong assessment of chest expansion treating 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 (Services) 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 could voluntarily participate 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 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 06.07.2018. In the first representation dated 04.07.2018, petitioner contended that he participated in the Police Constable Recruitment – 2012 and was qualified in all the physical tests and therefore declaring him that he does not have required chest expansion, is not valid.

6. 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. Further, chest measurement was recorded in his presence.

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. Thus, order to hold second medical examination cannot be granted, at this stage. I therefore see no merit in the Writ Petition and the same is liable to be dismissed.

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:17.08.2018

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¹ 2017 (3) ALT 728 (D.B.)