

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3400 OF 2019

Sow. Vidhya D/o Marotrao Chandapure

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. B.V. Thombre, advocate for petitioner.

Mrs. G.L. Deshpande, AGP for respondent no. 1.

CORAM : PRASANNA B. VARALE AND

NITIN W. SAMBRE, JJ.

DATE : 9th April, 2019.

P.C. :

Heard learned counsel for the respective parties.

2. Challenge is raised to communication dated 08.02.2019, whereby the petitioner is directed to appear before the competent medical board for conducting medical examination.

3. Submission of learned counsel for petitioner is that medical certificate was issued to the petitioner on 04.02.2008 through the competent medical board attached to Government Medical College and Hospital, Nanded. Perusal of said certificate shows that the petitioner suffers from certain visual impairment and the impairment is to the extent of 56%. On the basis of said certificate, the petitioner filed application in response to the advertisement for appointment of *Shikshan Sevak*. Petitioner was appointed from the category of physically handicapped persons.

4. Now, after a span of considerably long period, the petitioner is directed to appear before the medical board thereby subjecting herself to medical examination.

5. The only submission canvassed before us by learned counsel for the petitioner is that, in view of earlier certificate, it is not necessary for the authorities to direct the petitioner to undergo medical examination. It is also submitted by learned counsel for the petitioner that the impairment being suffered by the petitioner is in the nature of progressive visual impairment and as such, no fruitful purpose would be served by directing the petitioner to attend the medical examination.

6. We are unable to accept the submission of learned counsel for the petitioner for the simple reason that after a considerable period, the authorities have directed the petitioner to undergo medical examination. The medical examination is to be conducted by the medical experts i.e. members attached to the medical board. The medical board is the competent authority having requisite expertise in the medical field to assess visual impairment. Neither the petitioner nor this Court possess medical expertise so as to assess extent of visual impairment nor can we thrust upon our opinion on the medical board only on the backdrop of the submissions of learned Counsel for the petitioner. This being the factual situation, we see no reason to entertain the petition or to show any indulgence in the matter.

7. Petition, thus being thoroughly without merit, deserves to be dismissed and the same is accordingly dismissed.

8. Insofar as the issue of reimbursement of travelling expenses is concerned, we expect that the authority would consider that aspect of the matter in view of the Government policy and would take appropriate decision.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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