

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1286 OF 2017

(Mayur s/o Lalaji Radake vs. The State Bank of India and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri P.J. Mehta, Advocate for petitioner.

Shri Anil Kumar, Advocate for respondents.

CORAM : R.K. DESHPANDE AND
S.M. MODAK, JJ.

DATED : APRIL 3, 2019

Reliance is placed upon medical examination report submitted by the Doctor in the establishment of respondent Bank, who has merely certified that the petitioner is suffering from uncontrolled diabetes. This is not the certificate that the petitioner is unfit for the job in question. By the impugned communication, it is the Chief Manager (HR), who seems to have declared petitioner unfit for the job in question. There is no opinion of the expert sought by the respondent Bank to declare the petitioner unfit.

At this stage, Shri Anil Kumar, learned Counsel for the respondents, submits that the petitioner can be referred to Medical Board of State Bank of India, which can take decision within a stipulated period and the matter can be disposed of. We do not find any impediment in adopting such course.

In the result, the petition is partly allowed.

The respondent Bank shall refer the case of the petitioner to the Medical Board as per Rules. Upon obtaining opinion of the Medical Board in respect of fitness of the petitioner for the job in question, appropriate decision shall be taken in the matter, which shall be communicated to the petitioner. Till then, the post in question shall not be filled in. If decision goes against the petitioner, it shall be open for him to challenge it in accordance with law.

JUDGE

JUDGE

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