

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12-02-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5769 of 2018

K.Singamuthu

..Petitioner

- Vs. -

1. Tamil Nadu Uniform Services Recruitment
Board,
Represented by its Member Secretary,
Egmore,
Chennai-600 008.

2. The Superintendent of Police,
Thiruvarur District,
Thiruvarur.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to appoint the petitioner as Grade II Police Constable based on the selection made by the first respondent.

For Petitioner

: Mr.M.R.Jothimanian for
Mr.K.Balu.

For Respondent-1

: Mr.V.Kathirvel,
Special Government Pleader.

For Respondent-2

: Mr.R.S.Selvam,
Government Advocate.

WEB COPY
O R D E R

The relief sought for in the present writ petition is for a direction to direct the second respondent to appoint the petitioner as Grade II Police Constable based on the selection made by the first respondent.

2. The grievance of the writ petitioner is that pursuant to the Recruitment Notification, the writ petitioner participated in the selection process and got selected. However, during the medical test, he was not selected for the reason that the writ petitioner is having 'Bilateral Flat Foot'. The Medical Board, which examined the writ petitioner, found that the writ petitioner is not medically fit for appointment on account of the reason of 'Bilateral Flat Foot'.

3. The learned counsel for the writ petitioner states that he preferred an appeal before the second respondent on 11.12.2017 and as per the impugned order, the appeal filed in this regard is to be considered and in the event of disputing the findings of the Medical Board, the writ petitioner shall be considered for referring to the second examination of the Medical Board to ascertain the facts regarding the reason of 'Bilateral Flat Foot'.

4. In view of the fact that second examination of Medical Board opportunity is to be provided to the writ petitioner in respect of his medical unfitness, this Court is of the opinion that the second respondent is directed to consider the appeal filed by the writ petitioner on 11.12.2017, adjudicating the fitness made in the impugned order dated 2.10.2017, based on the first report of the Medical Board.

5. The learned Special Government Pleader, appearing on behalf of the first respondent, states that the second examination by the competent Medical Board is to be done only with the permission of the Director General of Police. However, the writ petitioner is in no way connected with such official formalities and if necessary, the second respondent has to comply with such official formalities for the purpose of considering the appeal submitted by the writ petitioner on 11.12.2017.

6. This being the factum of the case, the second respondent is directed to consider the appeal submitted by the writ petitioner on 11.12.2017 and pass appropriate orders on merits and in accordance with law in respect of the claim of the writ petitioner for second examination by the Medical Board, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

1. Tamil Nadu Uniform Services Recruitment
Board,
Represented by its Member Secretary,
Egmore,
Chennai-600 008.

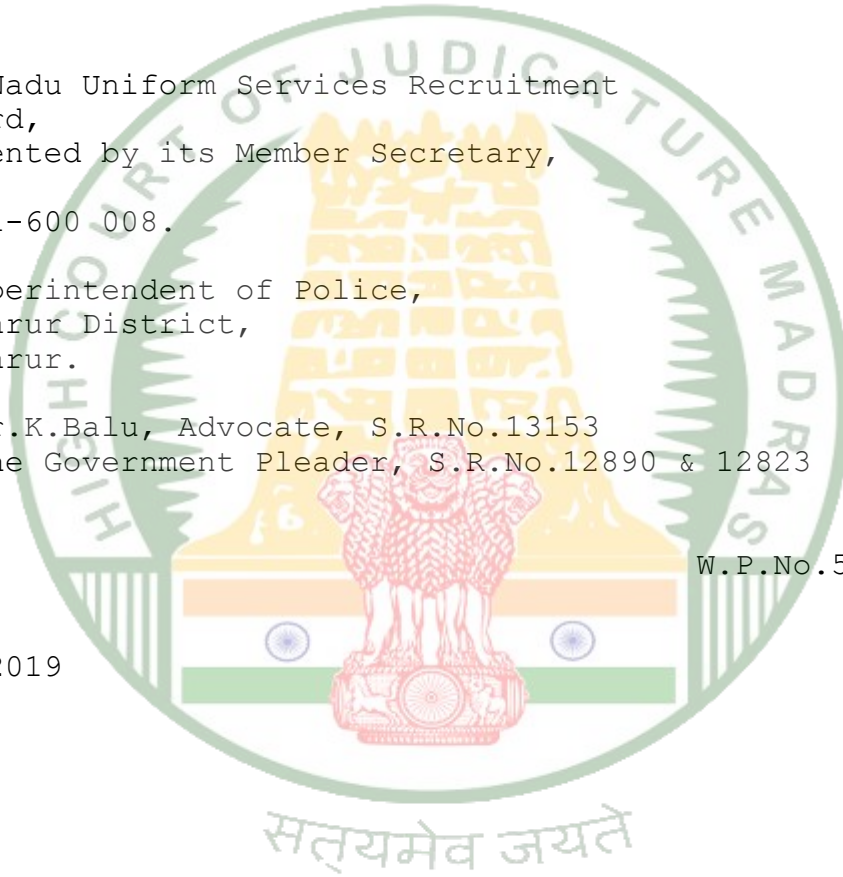
2. The Superintendent of Police,
Thiruvarur District,
Thiruvarur.

+1cc to Mr.K.Balu, Advocate, S.R.No.13153

+1cc to the Government Pleader, S.R.No.12890 & 12823

W.P.No.5769 of 2018

VBA (CO)
CS/06/03/2019



WEB COPY