



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.18113 of 2014
and
MP (MD) Nos.1 and 2 of 2014

R.Devendran

... Petitioner

-Vs-

1.The Chairman,
Tamil Nadu Uniformed Service
Recruitment Board, Egmore,
Chennai-10.

2.The Superintendent of Police,
Tirunelveil, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.A4/51408/2013, dated 18.2.2014 and quash the same and consequently direct the 2nd respondent to appoint the petitioner in the post of the Tamil Nadu Special Police Youth Brigade (male) 2013-2014.

For Petitioner : Mr.M.Veilkaniraja

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The order of rejection, dated 18.02.2014, rejecting the claim of the writ petitioner for selection and appointment to the post of Tamil Nadu Special Police Youth Brigade (male), during the year 2013-14, on the ground that during the medical examination, in which it was found that the writ petitioner was identified with fit eye and ortho defects, is under challenge in the present writ petition.

2.The order impugned states that during the medical examination, the competent doctors found that the writ petitioner was having eye and ortho defect and accordingly, issued a certificate stating that the writ petitioner is unfit for



appointment to the post of Tamil Nadu Special Police Youth Brigade. Challenging the said order, the present writ petition is filed.

3.The learned counsel appearing on behalf of the writ petitioner states that the very same doctor has issued another certificate stating that the writ petitioner is fit to perform his duties as a policeman. Thus, the said certificate issued by the Government doctor is to be accepted for the purpose of selection. The writ petitioner pursuant to the recruitment notification, participated in the process of selection and was successful in the written examination. He succeeded in the physical efficiency test and verification test. Only during the medical examination, the doctors found that he was unfit and accordingly, he was not selected.

4.This Court is of the considered opinion that the expert opinion issued by the medical board cannot be interfered with by the High Court, in a routine manner. The private certificates obtained by the candidates cannot be accepted for the purpose of selection and appointment. Only in the event of any malpractices or corrupt activities in the process of medical examination, the High Court cannot interfere in all circumstances. The medical certificate issued by the competent medical board is to be accepted for the purpose of selection and appointment. The High Court being not an expert body or judges being not experts, cannot interfere with the findings of the medical officers, in the absence of any incriminating evidences that such opinion is basically erroneous or otherwise. This being the principles to be followed, this Court is of the opinion that the rejection of the candidature of the writ petitioner during the year 2013, on the ground that he was medically unfit, cannot be interfered with, now after a lapse of so many years. The selection was conducted in the year 2013. Even at the time of filing of the writ petition, the writ petitioner was aged about 30 years, now he would be around 35 years.

5.This being the factum, the writ petitioner, now cannot be selected and appointed to the police services as a Tamil Nadu Special Police Youth Brigade and under these circumstances, there is no infirmity as such in respect of the impugned order passed and accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Chairman,
Tamil Nadu Uniformed Service
Recruitment Board, Egmore,
Chennai-10.

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

+1 CC to M/s.SPL GP (SR-80609[F] dated 08/08/2019)

+1 CC to M/s.M.SIDDHARTHAN, Advocate (SR-80500[F] dated
08/08/2019)

W.P. (MD) .No.18113 of 2014
07.08.2019

sj i

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