

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A.No.800 of 2019

ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present appeal is arising out of Order dated 11.12.2018, passed by the learned Single Judge in W.P.No.23999 of 2017.

2. The facts of the case reveal that the writ petitioner/respondent No.1 in the present appeal, who was a member of Scheduled Caste community came up before this Court being aggrieved by non-inclusion of his name in the selected list declared for the posts of Transport Constables. His candidature was rejected based upon a medical examination conducted by the Osmania General Hospital, Hyderabad. Writ Petitioner thereafter, was medically examined at his own expenses at Sarojini Devi Eye Hospital, Hyderabad, on 04.07.2017 and the result, which is on record, reflects that he is having 6/6 vision in both the eyes.

3. It was stated by the writ petitioner that 246 candidates were made to sit shoulder to shoulder in a small dingy room, where the eye

examination took place. In these circumstances, the learned Single Judge, by the impugned order, has directed the appellant/respondent No.1 therein to refer the writ petitioner for test of his vision to Sarojini Devi Eye Hospital, Masab Tank, Hyderabad, and further directed respondent No.4/Osmania General Hospital to carry out other physical examinations.

4. This Court, keeping in view the totality of circumstances of the case, is of the opinion that the learned Single Judge was justified in directing fresh medical examination in the Osmania General Hospital and eye examination in the Sarojini Devi Eye Hospital.

5. This Court does not find any reason to interfere with the order passed by the learned Single Judge. Therefore, the Writ Petition is dismissed.

6. It is needless to mention that both the medical examinations shall be concluded with a period of thirty days from today.

7. In case the writ petitioner is found fit in the medical examinations and is eligible as per the merit list prepared by the State Government, he shall be entitled for appointment and the appellant

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shall issue an appointment order to the writ petitioner within a period of thirty days thereafter. In such case, the writ petitioner will be entitled for seniority, notional benefits and all consequential benefits on par with the appointees of the same batch. However, he shall not be entitled to backwages.

Miscellaneous Petitions, pending if any, stand dismissed.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

Date: 01-04-2022
LUR