

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7888 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the impugned orders vide Ref.HY:HR:RMX:T.ART:2016 dated 22.06.2016 wherein rejecting the claim of the petitioner for appointment to the post of Temporary Employee (Artisan) (Electrician Trade) on the ground that he is suffering with deformity of colour blindness and not referring him to medical re-examination in any one of the reputed Hospital other than the Medical Board of BHEL, General Hospital, R.C.Puram Hyderabad, is illegal arbitrary and unconstitutional and set aside the same with a consequential direction to the respondents to consider the claim of the petitioner for re-medical examination by referring him to Sarojini Devi Eye Hospital (Government) or LV Prasad Eye Hospital or any other reputed Hospitals other than Medical Board of BHEL, General Hospital, RC Puram, Hyderabad, as was done in case of similarly situated persons in W.P.No.24242 of 2015 and batch and to consider the claim of the petitioner for appointment to the post of Temporary Employee (Artisan) (Electrician Trade) with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstance of the case.”

Heard Sri A.Ravinder, learned counsel appearing for the petitioner and Sri Ch.Samson Babu, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that his father, who was a Master Technician in the respondent organization, expired while he was in service on 24.11.2009. Thereafter, the petitioner was appointed to the post of Temporary Employee (Artisan) and he is working as such. While so, the respondents issued a notification during 2013 for filling up the posts of Artisans and the petitioner has applied for the same. Though he is fully eligible and is to be appointed as Artisan, the respondents have rejected his case on the ground that he is suffering from deformity of colour blindness. Challenging the said rejection order, the petitioner filed W.P.No.872 of 2016. This Court *vide* order dated 24.02.2016 disposed of the said writ petition directing the respondents to constitute a Medical Board afresh for re-examination of the petitioner, for submission of report and to proceed in accordance with the report. In pursuance thereof, the case of the petitioner was referred to the Medical Board. The Medical Board *vide* proceedings dated 22.06.2016 has once again rejected the case of the petitioner on the ground that he is suffering from deformity of colour blindness.

Learned counsel appearing for the petitioner submits that though the petitioner is not suffering from any colour blindness, the Medical Board constituted by the respondents,

had arbitrarily and illegally rejected his case; and that the case of the petitioner be referred to the Government Hospital or LV Prasad Eye Hospital for re-examination.

Learned Standing Counsel appearing for the respondents submits that the petitioner was examined twice and on both occasions, he was found to have been suffering from colour blindness and therefore, the Medical Board rightly observed that he was unfit for the post of Artisan.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that based on the opinion of the Medical Board, the respondents have rightly rejected the case of the petitioner as he is suffering from colour blindness. No arbitrariness could be attributed to the Medical Board as the petitioner was examined twice and on both occasions, he was declared unfit because of the colour blindness. Therefore, this Court is of the view that no useful purpose would be served even if the petitioner is referred to the Government Hospital or LV Prasad Eye Hospital. The opinion given by the Medical Board cannot be doubted because the petitioner was examined twice and thereafter, it came to the conclusion that the petitioner is unfit for employment. Therefore, this Court is not inclined to interfere with the rejection order passed by the

respondents. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

15th April, 2019
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