



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P. (MD)No.4129 of 2020

K.Sundarapandian

... Petitioner

vs.

1.The Director General of Police,
Office of the Director General of Police,
Chennai-04.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
807, P.T.Lee, Chengalvaraya Naicker Maaligai,
Anna Salai, Chennai-600 002.

3.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's representation, dated 29.07.2019, within the stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Muthuvai Ilayaraja

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's representation dated 29.07.2019, within the stipulated time that may be fixed by this Court.

2.The petitioner submits that pursuant to the notification issued by the 2nd respondent for recruitment to the post of Grade-II Police Constable for the year 2007-2008, he applied for the same and successfully completed the written examination and physical efficiency test. Thereafter, he also attended the medical examination conducted by the 1st respondent. While so, the 1st respondent forwarded a communication in Na.Ka.No.22733/appointment 1 (2)/2009-35, dated 05.08.2009, stating that the petitioner was not



appointed for the above post due to the reason that he was disqualified by ''Eyes unfit due to defective colour vision''.

3.The petitioner would further submits that he came to know about the judgment of this Court made in W.P(MD)No.15939 of 2013 dated 21.02.2017 and W.A(MD)No.818 of 2013, wherein, this Court in similar circumstances directed the respondents 1 and 2 herein to conduct re-examination with the help of the Medical Board of Regional Institute of Ophthalmology and the Government Ophthalmic Hospital, Chennai. Therefore, he made a detailed representation dated 29.07.2019, requesting the respondents to reconsider the above communication dated 05.08.2009 issued by the 1st respondent in the light of the above judgment. As the said representation is not yet disposed of, the petitioner has filed this writ petition seeking the above prayer.

4.Learned Additional Government Pleader appearing for the respondents would state that without challenging the rejection order dated 05.08.2009, the petitioner has sought for Mandamus to dispose of his representation which is not maintainable and therefore, would pray for dismissal of the writ petition.

5.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents.

6.Perusal of record shows that the petitioner has participated in the recruitment for the post of Grade-II Police Constable during 2007-08 and though he was successful in the written examination and physical efficiency test, by a communication dated 05.08.2009, he was disqualified in the medical examination citing unfitness of eyes due to defective colour vision. Without challenging the above communication, now the petitioner has chosen to file the present writ petition seeking to dispose of his representation requesting reconsideration of the above communication in the light of the above judgments. Without set at naught the order dated 05.08.2009, the petitioner cannot sought for the present prayer. In my considered opinion, the prayer of the petitioner is wholly misconceived. Therefore, the present writ petition deserves dismissal.

Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (A.S)

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/ /2020

Sub Assistant Registrar(CS)

bala/gns

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To

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Chennai-04.

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3.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.K.MUTHUVAI ILAYARAJA, Advocate SR-12088.

ORDER MADE IN
W.P.(MD)No.4129 of 2020
DATED : 16.03.2020

KK(02.07.2020) 3P 5C