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WP(MD)No.14640 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.12.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD) No.14640 of 2020

and

W.M.P.(MD) No.12295 of 2020

T.Ezhilarasan

...Petitioner

Vs

1.The Deputy Inspector General (Recruitment),
Directorate General CRPF.,
East Block 07, Level 4,
Sector - 01, R.K.Puram,
New Delhi 110 006.

2.The Commandant,
Regional Recruitment Centre,
Group Centre CRPF,
Avadi,
Chennai.

3.The Deputy Inspector General
Recruitment Training Centre,
ITBP, Iuppakudi,
Sivagangai 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 in the impugned order passed by the 3rd respondent, dated 11.03.2020 made in No.ITBP/RTC Sivagangai/CT (GD) Rectt.Board/2019 and order in No.R.II.3/2010-Rectt (SSB)-CT/GD, dated 11.09.2020 issued by the 2nd respondent and quash the same and consequently direct the 1st respondent to dispose the appeal dated 18.03.2020 and the same was forwarded by the proceeding No.R.II.3/2010-Rectt(SSB)-CT/GD dated 19.03.2020 on merits.

For Petitioner	: Mr.P.Arun Jeyatram
For Respondents	: Mrs.L.Victoria Gowri Additional Solicitor General

ORDER

Challenging the impugned order passed by the 3rd respondent in proceedings No.ITBP/RTC Sivagangai/CT (GD) Rectt.Board/2019, dated 11.03.2020 and the consequential impugned order passed by the 2nd respondent in proceedings No.R.II.3/2010-Rectt (SSB)-CT/GD, dated 11.09.2020 and for a direction to the 1st respondent to dispose the appeal, dated 18.03.2020, the present writ petition has been filed.



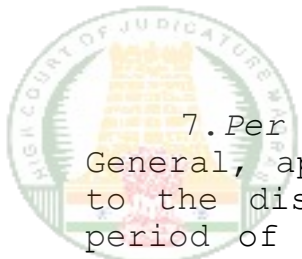
2.The learned counsel appearing for the petitioner would submit that the Staff Selection Commission issued a notification on 21.07.2018, calling for applications for the posts of Constables (GD) in Central Armed Police Force (CAPFS), N.I.A. and S.S.F. and Rifleman (GD) in Assam Rifles (AR). The petitioner applied for the said post through online, under the SC category and the same was registered vide Roll No.8206002233 and his registration identification number is I.D.No.71000551530 and Hall Ticket was also sent to the petitioner for written examination.

3.The learned counsel would further submit that the petitioner successfully completed the written test as well as the physical efficiency test and therefore, he was called for medical examination on 13.01.2020. On 13.01.2020, the petitioner participated in the medical examination and when the medical examination was conducted by the respondents, they found that the petitioner was suffering from murmur in heart and therefore, his candidature was rejected on the medical ground.

4.The learned counsel would further submit that as against the said rejection, the petitioner has preferred an appeal, dated 19.01.2020 before the 3rd respondent for review medical examination and the same has been rejected by the 3rd respondent, vide order dated 11.03.2020 on the ground that the photograph affixed in Form 3 medical fitness certificate, which was produced by the petitioner and thumb impression were not attested by the Doctor, who examined the petitioner and issued the fitness certificate. Thereafter, the petitioner has approached the said Doctor and after obtaining a fresh medical certificate, dated 18.03.2020 with attestation in the photograph affixed in the said certificate, has preferred another appeal before the 3rd respondent.

5.The learned counsel would further submit that as per the direction of the 3rd respondent, the petitioner approached the 2nd respondent and submitted the appeal along with the medical fitness certificate, dated 18.03.2020 and subsequently, the 2nd respondent, by proceedings dated 19.03.2020, has forwarded the same to the 1st respondent for consideration. Thereafter, on the basis of the reply received from the 1st respondent, the 2nd respondent, by proceedings dated 11.09.2020, rejected the claim of the petitioner and dismissed the appeal. Challenging both the impugned dismissal orders, the petitioner is before this Court.

6.The learned counsel would further submit that there is no time limit for filing the appeal and no reason has been provided by the respondents for refusing to send the petitioner for review medical examination. Therefore, the learned counsel prays this Court that the writ petition is ought to be allowed.



7. *Per contra*, Mrs.L.Victoria Gowri, learned Assistant Solicitor General, appearing for the respondents would submit that subsequent to the dismissal of the first appeal, dated 11.03.2020, within a period of 7 days, the petitioner obtained a fresh medical fitness certificate and preferred another appeal before the 2nd respondent. She would further submit that at the time of filing the appeal for review medical examination, the petitioner has not complied with Clause 2 (k) of the guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles, which deals with the general instructions for recruitment board and the same is as follows:-

"k) Appeal for Review Medical Examination will be accompanied by certificate from a doctor of the concerned specialty from appropriate level of Government Hospitals as applicable to the candidate (Go's, SO' and OR's as given in Annexure-IV Annexure-V)."

8. By referring the aforesaid Clause, the learned Assistant Solicitor General would submit that the Doctor, who issued the medical fitness certificate, dated 18.03.2020 to the petitioner, is not working in the Government Hospital in the appropriate level and therefore, she prays this Court that the writ petition ought to be dismissed.

9. Heard the learned counsel on either side and perused the materials available on record.

10. It is an admitted fact that the petitioner went for medical examination on 13.01.2020 and during the course of medical examination, the respondents found that the petitioner was suffering from murmur in heart and therefore, the petitioner's candidature was rejected. Challenging the said rejection, though the petitioner has preferred an appeal, dated 19.01.2020 before the 3rd respondent for review medical examination, the 3rd respondent, vide order dated 11.03.2020, had dismissed the petitioner's appeal on the ground that the photograph affixed in Form 3 medical fitness certificate, which was produced by the petitioner and thumb impression were not attested by the Doctor, who examined the petitioner and issued the fitness certificate.

11. Thereafter, the petitioner has approached the said Doctor and after obtaining a fresh medical certificate, dated 18.03.2020 with attestation in the photograph affixed in the said certificate, once again has preferred another appeal before the 3rd respondent and the same was dismissed by the 2nd respondent, vide order dated 11.09.2020.

12. On a perusal of Clause 2 (k) of the guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles, it appears that the candidates have to submit the



medical fitness certificate obtained from a Doctor, who is working in the Government Hospital in the appropriate level, at the time of filing the appeal, whereas, the petitioner has preferred the appeal for review medical examination along with medical fitness certificate obtained from the Doctor, who is not working in the Government Hospital in the appropriate level, which is in contrary to the guidelines issued by the respondents for recruitment to the post of Constables (GD) in Central Armed Police Force (CAPFS), N.I.A. and S.S.F. and Rifleman (GD) in Assam Rifles (AR).

13.The respondents have absolute right to reject any candidate on the ground of if there is any violation of general instructions / guidelines issued by the respondents. In the present case, there is clear violation of general instructions. Thus, the respondents rightly rejected the petitioner's candidature.

14.In such view of the matter, I do not find any infirmity in the impugned orders passed by the respondents 3 and 2, dated 11.03.2020 and 11.09.2020 respectively.

15.In the result, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Deputy Inspector General (Recruitment),
Directorate General CRPF.,
East Block 07, Level 4,
Sector - 01, R.K.Puram,
New Delhi 110 006.

2.The Commandant,
Regional Recruitment Centre,
Group Centre CRPF,
Avadi, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Deputy Inspector General
Recruitment Training Centre,
ITBP, Iuppakudi,
Sivagangai District.

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