

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1469 OF 2020

DATED : 03.02.2020

Between :

Banothu Praveen Kumar S/o.Banothu Balaraju,
Age : 26 yrs, R/o.Mugudumthanda, Odulapur,
Zaffargadh, Warangal District 506316

..... Petitioner

And

The State of Telangana,
rep. by its Principal Secretary to Government,
Home Department, Telangana Secretariat,
Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1469 OF 2020

ORDER :

Heard learned counsel for the petitioner and learned Standing Counsel appearing for Telangana State Level Police Recruitment Board.

2. Petitioner claims that he belongs to Scheduled Tribe Community and native of Warangal District. He completed B.Tech (ECE) course. He responded to the recruitment notification dated 31.05.2018 to fill up 16,925 vacancies of Police Constables, Firemen in Fire Service Department and Warders in Prisons Department. Petitioner was provisionally selected in the selections conducted by the Telangana State Level Police Recruitment Board (for short 'the Board'), and was subjected to medical examination. In the medical examination, petitioner was found to have defect in eye sight. Therefore, he was not selected. Petitioner submitted application on 17.01.2020, addressed to the Commissioner of Police, requesting to subject him to second medical examination. The said request of the petitioner was rejected by the Commissioner vide his order, dated 21.01.2020, impugned in this writ petition.

3. Learned counsel for the petitioner sought to contend that 30 other selected candidates whose selection was earlier cancelled on the ground that in the medical examination, they have not cleared, were again subjected to medical examination and the same benefit ought to have been extended to the petitioner also. He would further submit that in the application filed by the petitioner, he

has given different mobile number, but subsequently, he changed his mobile number. In the attestation form filled in by the petitioner, subsequent to the provisional selection, he has mentioned the correct mobile number. The antecedent verification was conducted and petitioner was contacted by the S.B. Enquiry personnel on the said mobile number, and his antecedents were verified. Therefore, while calling for the second medical examination, the Board ought to have sent the communication to the new mobile number and could not have sent communication to the old mobile number.

4. Two things are noted from the submissions made by learned counsel for the petitioner and the averments made in the affidavit filed in support of the writ petition. Petitioner was also called for second medical examination. The data maintained by the Board is based on the application filed by the candidates in response to the recruitment notification. If there is change in the mobile number and the same is not brought to the notice of the Board and mentioned only in the attestation form, it cannot be expected that the Board would know the change of mobile number and send communication to the changed number. Antecedent verification is entirely different from processing of application during selection process, in pursuant to the recruitment notification. Therefore, petitioner ought to have been careful in continuing to utilize the same facility as available to him, when he applied or ought to have taken alternative steps to ensure that he would receive proper communication from the Board. Therefore, the second opportunity given to the petitioner was lost, due to his own fault and he cannot blame the respondent-Board.

5. However, the issue is considered on whether on this species ground petitioner could not have been ignored for consideration for second medical examination?

6. In the 3rd paragraph of the order impugned, the Commissioner refers to the claim of petitioner of undergoing eye laser treatment. He also informs that the Induction training is already commenced and that he failed to attend medical examination on the scheduled date i.e., on 21.11.2019, with prior intimation and therefore his request cannot be considered.

7. Along with the writ petition, petitioner has not filed the representation made to the Commissioner on 17.01.2020, but filed representation made to the Chairman of the Board on 16.01.2020. In the representation dated 16.01.2020, petitioner vaguely refers to undergoing re-medical examination. But in the translated version of the application submitted to the Commissioner of Police, Warangal, he clearly states that "I have undergone eye laser treatment". In other words, the defect noticed earlier in the eye check up, is now cured by the petitioner by way of undergoing treatment and he claims himself to be fit. Therefore, subjecting the petitioner to further medical examination does not arise, as it would be leading to a wrong precedent of a person who was declared as having some defect in the medical examination and later treating the same to be corrected and subjecting himself for further medical examination. The opportunity of subjecting second medical examination is basically to eliminate the possibility of any wrong assessment made earlier and to do re-assessment of the suitability of a candidate, so that on account of wrong medical assessment made, a genuine claim of a candidate for employment

should not be denied. In this case, it cannot be said that the claim of petitioner for re-medical examination is genuine and at any rate, he lost the opportunity to undergo second medical examination. Therefore, I do not see any merit in the writ petition.

8. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

3rd February, 2020
Rds

