

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6656 of 2019

Gokul Khanna, P.U.

... Petitioner

Vs.

1. The Director General of Police,
Tamil Nadu,
Mylapore,
Chennai 600 004.
2. The Deputy Inspector General of Police,
Technical Services,
Mylapore,
Chennai 600 004.
3. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai 600 008. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records relating to the order of the 2nd Respondent made in Rc.No.A3/12200/2018, dated 22.02.2019, to quash the same and to consequently direct the Respondents to appoint the Petitioner to the post of Sub-Inspector of Police (Technical) - 2018 pursuant to Advertisement No.1/2018, dated 11.07.2018 on the basis of the Provisional Selection and to extend all benefits thereto.

For Petitioners : Mr.L.Chandrakumar
For Respondents 1 & 2 : Mr.J.Pothiraj,
Special Government Pleader
For 3rd Respondent : Mr.V.Kadhirvelu,
Special Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the order dated 22.02.2019 passed by the 2nd Respondent made in Rc.No.A3/12200/2018, and for a consequential direction

to the Respondents to appoint him to the post of Sub-Inspector of Police (Technical) - 2018 pursuant to Advertisement No.1/2018, dated 11.07.2018 on the basis of the provisional selection and to extend all benefits thereto.

2. According to the Petitioner, pursuant to Advertisement No.1/2018, dated 11.07.2018, he had subjected himself to selection to the post of Sub-Inspector of Police (Technical), which is based on written examination followed by physical measurement test, Certificate verification and Viva voce, thereto. Though the Petitioner was meritorious throughout the selection process, after being subjected to medical examination, he was issued with the impugned order dated 22.02.2019 stating that, he is disqualified in the category of physical fitness in eye vision, as he was wearing glasses and subsequently, his name was deleted from the provisional list of Sub Inspector of Police (Technical) 2018. Challenging the same, the Petitioner has come up with the present Writ Petition.

3. Learned counsel for the Petitioner drew the attention of this Court to the judgment dated 15.02.2021 rendered by the Madurai Bench of this Court in W.A.(MD) Nos.941 to 953 of 2020, wherein, in a similar circumstance, it was observed that, it is the insufficient/inadequate eyesight that makes a person to wear a glass. Once such glass is worn, then, that deficiency goes. Therefore, such person become eligible on par with the other person, who performs without glasses. For better appreciation, relevant portion of the said judgment is extracted hereunder:

"9. At this juncture, the learned Senior Counsel appearing for the Respondents submitted that, a direction may be issued to give appointment orders, as the Respondents are awaiting for quite sometime despite having become qualified with their names in the provisional list.

10. We are inclined to agree with the said submission made. Accordingly, the appellants are directed to give appointment orders to the Respondents within a period of six weeks from the date of receipt of a copy of this judgment."

4. Learned Special Government Pleader appearing for the 2nd Respondent submitted that, if there is no proper eye-sight, candidature of the Petitioner has to be rejected. However, he fairly stated that, there is an observation of the Madurai Bench of this Court as pointed out by the learned counsel for the Petitioner.

5. Heard the learned counsel on either side and perused

the material documents available on record.

6. In the light of the judgment dated 15.02.2021 passed by this Court in W.A.(MD) Nos.941 to 953 of 2020, this Court directs the 2nd Respondent herein to consider the case of the Petitioner for appointment to the post of Sub-Inspector of Police (Technical) - 2018, if he is otherwise eligible, and pass appropriate orders and in accordance with law, and if there are no other legal impediments, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.P.Nos.7479 and 7480 of 2019 are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Director General of Police,
Tamil Nadu,
Mylapore,
Chennai 600 004.
2. The Deputy Inspector General of Police,
Technical Services,
Mylapore,
Chennai 600 004.
3. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai 600 008.

+1cc to Mr.L.Chandrakumar , Advocate SR.No.13021
+1 cc to Government Pleader Sr.No. 13753

W.P.No.6656 of 2019

PL co
A.SK(09.04.2021)