



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD)Nos.570, 571 and 991 of 2020

and

C.M.P. (MD)Nos.3826, 3827 and 5348 of 2020

W.A. (MD)No.570 of 2020

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Chennai - 9.
2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.
3. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police office campus,
Egmore, Chennai - 8.
4. The Director General of Police,
O/o. The Director General of Police,
Chennai - 4. ... Appellants/ Respondents
Vs.
N.Sathish ... Respondent/Petitioner

Writ Appeal filed under Clause XV of Letters Patent Act,
against the order dated 30.04.2019 made in W.P.(MD)No.6218 of 2019.

W.A. (MD)No.571 of 2020

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Chennai - 9.
2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,



Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.

3. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police office campus,
Egmore, Chennai - 8.

4. The Director General of Police,
O/o. The Director General of Police,
Chennai - 4.

... Appellants

Vs.

R.Babu

... Respondent

Writ Appeal filed under Clause XV of Letters Patent Act,
against the order dated 30.04.2019 made in W.P.(MD)No.6219 of 2019.

W.A. (MD)No.991 of 2020

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Chennai - 9.

2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.

3. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police office campus,
Egmore, Chennai - 8.

4. The Director General of Police,
O/o. The Director General of Police,
Chennai - 4.

5. The Deputy Inspector General of Police,
(Technical Services),
Office of the Deputy Inspector General
of Police,
Chennai - 4.

6. The Additional Director General of Police,
State Crime Records Bureau,
Chennai - 4.

... Appellants



Vs.

K.Krishnaveni

... Respondent

Writ Appeal filed under Clause XV of Letters Patent Act, against the order dated 23.10.2019 made in W.P.(MD)No.19711 of 2019.

Prayer in WP(MD). 6218/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to consider the petitioner for appointment to the post of Sub Inspector of Police(Finger Print)-2018 in pursuant to the publication of the provisional selection list issued by the 3rd respondent vide Advertisement No.2/2018 dated 29/08/2018 without reference to the low vision of the petitioner .

Prayer in WP(MD). 6219/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to consider the petitioner for appointment to the post of Sub Inspector of Police(Finger Print)-2018 in pursuant to the publication of the provisional selection list issued by the 3rd respondent vide Advertisement No.2/2018 dated 29/08/2018 without reference to the low vision of the petitioner .

Prayer in WP(MD). 19711/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to call for the records relating to the impugned order passed by the 6th respondent vide his proceedings in Rc.No.A1/46/617/SCRB/2019, dt.15/03/2019 and quash the same as illegal and consequentially to direct the respondents to consider the petitioner for appointment to the post of Sub Inspector of Police(Finger Print)

For Appellants	:	Mr.K.P.Narayana Kumar,
in all W.Ps.		Special Government Pleader
For Respondent	:	Mr.H.Mohamed Imran
in all W.Ps.		for Ajmal Associates

COMMON JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

This issue involved in these Writ Appeals is with respect to the disqualified persons on the ground that their vision without wearing specs is not sufficient and after wearing it, they could perform their duties.

2. We have already settled the matter by dismissing the Writ

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



Appeals filed by the appellants in W.A.(MD)Nos.941 to 953 of 2020, wherein, we held as follows:

"7. We do not find any merit in these Writ Appeals, as rightly submitted by the learned Senior Counsel appearing for the respondents that it is not a case, the respondents cannot function by wearing glasses. The Notification does not specify the extent of visual standards, even otherwise, it is clear, as the respondents can perform by wearing glasses, their candidature cannot be rejected by making them to undergo a test without wearing glasses. The question is the suitability to the job and not otherwise. The classification sought to be made is certainly violative of Article 14 of the Constitution of India. If it is approved, a candidate, who is wearing specs would become disentitled for being considered to the post. It is an indirect way of fixing qualification on the sole premise that a candidate wearing glasses cannot be considered. One has to see the eligibility and suitability of the candidate to the post, but such eligibility cannot be fixed on the basis of a candidate without specs, *vis-a-vis*, a candidate with specs. Thus, looking from any perspective, we do not find any reason to interfere with the order passed by the learned Single Judge, as we are in respectful agreement with the submission made by the learned Senior Counsel appearing for the respondents that the Government Order relied upon is outdated, opaque and contrary to the wisdoms expressed by the Hon'ble Apex Court. 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 becomes eligible on par with the other person, who performs without glasses.

8. In such view of the matter, the classification sought to be made has got no rationale, as the job is sought to be undertaken as a whole. Accordingly, these Writ Appeals stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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 name 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 Judgement.



3. Following the above decision, these Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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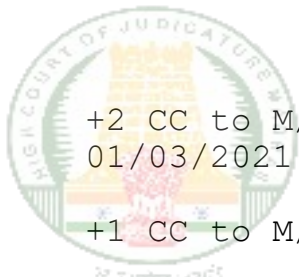
/ /2021

Sub Assistant Registrar(CS)

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 State of Tamil Nadu,
Rep. by its Principal Secretary,
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2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.
3. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police office campus,
Egmore, Chennai - 8.
4. The Director General of Police,
O/o. The Director General of Police,
Chennai - 4.
5. The Deputy Inspector General of Police,
(Technical Services),
Office of the Deputy Inspector General
of Police,
Chennai - 4.
6. The Additional Director General of Police,
State Crime Records Bureau,
Chennai - 4.



W.A.(MD)Nos.570, 571 and 991 of 2020

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7766[F],7767 dated 01/03/2021)

+1 CC to M/s.SPL GP (SR-7861[F],7858,7910 dated 01/03/2021)

+1 CC to M/s.S.THANGARAJ, Advocate (SR-8184[F] dated 02/03/2021)

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26.02.2021

SJ(CO)

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