



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1610 of 2021

and

C.M.P(MD)Nos.6910 & 6911 of 2021

A.Raguvaran

... Appellant / Petitioner

Vs.

1.The Chairman,
Staff Selection Commission,
Ministry of Personnel, Public Grievance
and Pensions,
Block - 12, CGO Complex,
Lodhi Road,
New Delhi - 110 003.

2.The Regional Director,
Staff Selection Commission,
Southern Region,
2nd Floor, EVK Sampath Building,
DPI Campus,
College Road,
Chennai - 600 006.

3.The Deputy Inspector General,
Recruitment Training Centre,
Indo Tibetan Border Police Force,
Illupaikudi, Padamathur Post,
Sivagangai - 630 561.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 01.04.2021 made in W.P(MD)No.16499 of 2020 on the file of this Court.

Prayer in WP(MD). 16499/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-4. to issue a writ of certiorarified mandamus calling for the records pertains to the impugned order passed by the 3rd respondent in proceedings No.Nil dated 22.09.2020 quash the same and consequently directing the respondents to conduct



Re medical reexamination to the petitioner in the notification of Employment New/RozgarSamachar dated 21.07.2018 recruitment proces of Constable (GD) in CAPFs/NIA/SSF and Rifleman in Assam Rifle Examination 2018.

For Appellant : Mr.Mayilvahana Rajendran

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JUDGMENT

(Judgment of the Court was delivered by
M. DURAISWAMY, J.)

Challenging the order passed in W.P(MD)No.16499 of 2020, dated 01.04.2021, the writ petitioner has filed the above Writ Appeal.

2.The appellant has filed the Writ Petition to issue a Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent dated 22.09.2020 and to quash the same and consequently directing the respondents to conduct re-medical examination to the petitioner in the notification of employment new/rozgarsamachar dated 21.07.2018 recruitment process of Constable (GD) in CAPFS/NIA/SSF and Rifleman in Assam Rifle examination 2018.

3.In the review medical examination report, it was pointed out that "Intermalleolar Distance with both knee together 6.0 cms". Clause XI (2) guidelines for the recruitment process for the post of Constable (GD) in Central Armed Police Forces (CAPFS), NIA, SSF and Rifleman (GD) in Assam Rifles Examination 2018, prescribes the reading of a knock knee as 5.0 cms. The required condition of knock knee as less than 5.0 cms was found to be correct by the learned Single Judge while dismissing the Writ Petition. Before the learned Single Judge, the appellant relied upon the report obtained by him from the Government Hospital and submitted that his knock knee reading is not 6.0 cms. The recruitment procedure prescribes the procedure for detailed medical examination and review medical examination, from prescribed hospitals of the respondents, hence, the certificates produced by the petitioner cannot be relied upon for the reason that the said hospitals do not fall in the scheduled list of hospitals approved for the purpose of the present recruitment process. The learned Single Judge also observed that there is no justification in doubting the validity of the physical examination test conducted by the recruiting agencies.

4.Since the selection process has been done following the procedure prescribed with regard to the medical examination and review medical examination, we do not find any ground to interfere with the order passed by the learned Single Judge. The Writ Appeal



is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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

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MGJ(03.09.2021) 3P 4C