



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16499 of 2020

and W.M.P.(MD).Nos.13790 & 13792 of 2020

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A. Raguvaran

... Petitioner

Vs

... Respondents

1.The Chairman,

Staff Selection Committee,
Ministry of Personnel, Public Grievances & 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, Padmathur (PO),
Sivagangai - 630 561.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records 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 process of Constable (GD) in CAPFs/NIA/SSF and Rifleman in Assam Rifle Examination 2018.

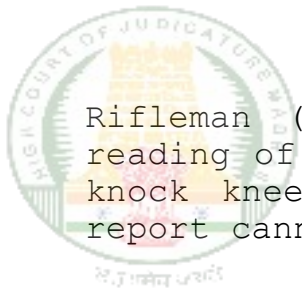
For Petiti: Mr.S.Senthil Kumar

For Respon: Mrs.L.Victoria Gowri

Assistant Solicitor General of India

O R D E R

I do not find any infirmity in the Review Medical Examination Report, which has pointed out the petitioner's medical condition as "Intermalleolar Distance with both knee together 6.0 c.ms". 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.c.m. Since the required condition of knock knee as less than 5.0 cms, the reason in adopted the RME report cannot be found fault.

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2.The learned counsel for the petitioner relied upon the report obtained by him from a Government Hospital and submitted that the petitioner's knock knee reading is not 6.0 cms. When the recruitment procedure prescribes the procedure for Detailed Medical Examination and Review Medical Examination, from prescribed hospitals of the respondents, reliance cannot be placed on any other hospital, which do not fall in the scheduled list of hospitals approved for the purpose of the present recruitment process. Hence, this Court does not intend to place reliance on the report produced by the petitioner.

3.It is a settled proposition of law that the writ court, exercising its powers under Article 226 of the Constitution of India, would not be justified in doubting the validity of the physical examination tests conducted by the Recruiting Agencies and that the Hon'ble Division Bench of this Court in the case of ***N.Muthukaruppan Vs. Tamil Nadu Uniformed Services Recruitment Board*** passed in ***W.A. (MD).No.936 of 2015 dated 07.09.2015***, has held that the High Court cannot be used as a forum for re-tests.

4.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /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.

TM



To

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Order made in
W.P. (MD) No.16499 of 2020
01.04.2021

GS (28.04.2021) 3P 4C