

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 WRIT PETITION NO.8048 OF 2013

Atul Hiramal Kurhe

.. Petitioner

Versus

The Union of India and another

.. Respondents

...

Advocate for Petitioner : Mr. Dhananjay M. Shinde

ASG for Respondent Nos.1 & 2 : Mr. A.G. Talhar

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 23-08-2022

PER COURT :

1. Heard both the sides finally at the stage of admission.
2. The petitioner is seeking direction for being considered in the selection process for the post of Head Constable (Ministerial) from S.C. category against an advertisement of the year 2012. He is also seeking a declaration that the result of his medical examination undertaken after a review be declared.
3. There is no dispute about the fact that the petitioner had applied for and undergone the selection process till the stage he was required to undergo medical examination. The medical examination was held on 24.04.2013 and he was certified to be unfit on account of defective distant vision. The petitioner then obtained a certificate

from an ophthalmologist, who was a serving lecturer in Government Medical College, Nanded, wherein it was certified that he was having normal vision in both the eyes. On the basis of that he preferred an appeal, which was entertained. He was directed to undergo a review medical examination and again it was found that he was unfit due to defective distant vision which was 6/18. It was also noticed that there was a visual correction by lasik surgery.

4. Pertinently, in spite of such a stand having been taken by the respondents in the affidavit-in-reply, the petitioner has not filed any rejoinder. Meaning thereby that as of now he is certified to be unfit due to visual correction by lasik surgery. In exercise of writ jurisdiction and not being expert we cannot undertake any further scrutiny when it has been found that he is medically unfit due to insufficient vision.

5. Besides, even according to the petitioner, he had applied for and participated in the next selection process. If such is the state-of-affairs, we are afraid, the petition is liable to be dismissed and is accordingly dismissed. Interim relief stands vacated.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)