



W.P(MD)No.23623 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23623 of 2022

and

W.M.P.(MD)Nos.17698 and 17699 of 2022

B.Kalirajan

... Petitioner

Vs.

The Director General of Police / Director,
Tamil Nadu Fire and Rescue Services,
No.17, Rukmani Lakshmipuram Road,
Egmore, Chennai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of impugned rejected order in Na.Ka.No.10824/A1/2019 dated on 29.08.2022 issued by the Respondent against the petitioner and quash the same as bad in law further directing respondent to conduct further medical examination for the petitioner and place the petitioner as a fireman post in a Tamil Nadu Government Fire and rescue service.



WEB COPY



W.P(MD)No.23623 of 2022

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by Mr.A.K.Manikkam,
Spl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondent.

2.The petitioner is an aspirant for the post of Fireman. He had successfully cleared all the tests. However, when medical opinion was obtained, it was adverse to the writ petitioner. Hence, the petitioner was informed that he could not be issued with an order appointing him as a Fireman. Questioning the same, the present writ petition has been filed.

3.The impugned order reads that the petitioner was having some defect in his vision and that is why he was found unfit. The petitioner's counsel strongly stated that the petitioner's vision is perfectly sound and normal and that the impugned order has been erroneously issued.



W.P(MD)No.23623 of 2022

WEB COPY

4.This is readily conceded by the Additional Advocate General who pointed out that by mistake the impugned order was issued to the writ petitioner and that corrected order has been subsequently sent.

5.The substituted order reads that the medical opinion is that the petitioner is fit only for light work.

6.The petitioner's counsel would dispute the claim that the petitioner is having cardiac related issue. While admitting that the writ petitioner was examined by the cardiology department of Virudhunagar Government Hospital as Madurai Government Hospital, there was considerable difference of opinion. When the petitioner was examined recently, it was found that his condition was normal. Copy of the report given on 09.08.2022 by department of cardiology, GRH Madurai has been enclosed in the typed set of papers.

7.As rightly pointed out by the learned Additional Advocate General, the post of Fireman requires enormous physical endurance. It can involve highly stressful occasions. It is also stated that it is virtually a 24x7 job and that one's services may be requisitioned at any time. In matters such as, highest standards



W.P(MD)No.23623 of 2022

physical fitness have to be maintained. The report of the medical board indicates that the petitioner is fit for only light work. This finding cannot be lightly brushed aside. I am not inclined to interfere with the impugned order. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

The Director General of Police / Director,
Tamil Nadu Fire and Rescue Services,
No.17, Rukmani Lakshmipuram Road,
Egmore, Chennai.



WEB COPY



W.P(MD)No.23623 of 2022



WEB COPY



W.P(MD)No.23623 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.23623 of 2022

11.11.2022