



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.7115 of 2023

Sohel Khan s/o Siraj Khan Pathan

vs.

State of Maharashtra through its Secretary, Home Department, Mumbai and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs.S.A.Chaware, Advocate h/f Shri Ashish Chaware, Advocate for petitioner. .
Shri A.S.Fulzele, Additional Government Pleader for respondent nos. 1 to 5.

CORAM :- A.S.CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE :- 23rd OCTOBER, 2023

Heard.

2. The challenge raised by the petitioner in this writ petition is to the order dated 30.08.2023 passed by the Maharashtra Administrative Tribunal, Mumbai, whereby the Original Application preferred by the petitioner has been rejected.

3. The petitioner sought appointment on the post of 'Armed Police Constable' with the State Reserve Police Force, Gadchiroli, Chandrapur and Gondia districts. After he was declared successful in written examination, he was referred for his medical test. By the communication dated 09.02.2022 the name of the petitioner alongwith three others was forwarded to the Medical Board, Yavatmal, after noting that the eye sight of the said candidates suffered from certain defects. Pursuant to aforesaid, the petitioner was examined by the Medical Board and report of the Medical Board certified that the petitioner suffered from colour blindness. The Tribunal considered the prayers made by the petitioner that he be referred for further medical examination of his condition at Medical Board, Nagpur. After observing that the petitioner had been examined on two occasions, it was noted that further re-examination was not warranted.

4. Having heard the learned counsel for the petitioner and having perused the documents on record, we find that on two occasions the petitioner has been examined and has been found to be unfit in view of colour blindness suffered by him. A post in question being 'Armed Police Constable', the said requirement cannot be said to be not necessary. The petitioner seeks to rely upon a report dated 28.09.2022 issued by a private medical practitioner to support his contention that he was not suffering from colour blindness. However, the petitioner having been examined by the competent Medical Board as required, the certificate issued by a private practitioner cannot prevail over the same.

5. In absence of any illegality in the order passed by the Tribunal, we do not find any reason to interfere in writ jurisdiction. The writ petition is therefore dismissed with no order as to costs.

(ABHAY J. MANTRI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.