



WEB COPY



WP.No.21018 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR**

WP.No.21018 of 2023  
and W.M.P.No.20390 & 20391 of 2023

K.Shanugavek

.. Petitioner

Versus

1.The Chairman  
Tamilnadu Uniformed Service Recruitment Board  
Old Commissioner of Police  
Pantheon Road  
Egmore, Chennai – 600 008

2.The Additional Director General of Police  
and Director of Prison  
O/o Additional Director General of Police  
Venals Road  
Egmore, Chennai – 600 008

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records sequel to the order issued by the 2<sup>nd</sup> respondent pertaining to the proceedings Memorandum No.3583/EWU-1/2017-1 dated 06.12.2017 and to quash the same consequently direct the respondents to issue appointment order to the petitioner for the post of Grade-II Jail Warden.

For Petitioner : Mr.S.Periasamy

For Respondents : Mrs.Sowmi Dattan for R1  
Mr.P.Baladhandayutham for R2  
Special Government Pleader



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**ORDER**

This writ petition has been filed challenging the order issued by the 2<sup>nd</sup> respondent pertaining to the proceedings Memorandum No.3583/EWU-1/2017-1 dated 06.12.2017, quash the same and consequently direct the respondents to issue appointment order to the petitioner for the post of Grade-II Jail Warden.

2. It is the case of the writ petitioner that the first respondent issued a notification and invited application for the post of Grade-II Police Constable. The petitioner had applied to the said post and appeared for the written examination. On clearing the written examination, he completed the physical test held on 01.08.2017 and he was selected provisionally for the said post. After completion of written test and medical test, he was eagerly waiting to get an appointment order for the post, however, he received a memorandum dated 06.12.2017, wherein, the authority conveyed that he was medically unfit to the above post as both eyes cornea having post lasik surgery. Challenging the same, this writ petition has come up before this Court.

3. The learned counsel for the petitioner placed reliance in the judgment of Division Bench of this Court dated 29.10.2015 in *W.A.(MD).No.875 of 2015*, wherein, it was held that when a person can carry out physical activity



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with specs, he cannot be disqualified for wearing specs for correction of his eye vision. He also placed reliance in the Order dated 23.06.2021 in *W.P.(MD).No.2026 of 2021* in the case of *M.P.Siva vs. The Director General of Police and others*. The above writ petition also holds that mere lasik surgery in eye cornea will not dis-entitle a person from doing physical activities.

4. There is no doubt in the above orders. The present writ petition has been filed challenging the recruitment process pertaining to the year 2017. According to the learned Special Government Pleader, the entire process is already over and the posts are already filled.

5. Such view of the matter, after passing of the above referred orders, this writ petition has been filed before this Court, it is a clear case of laches on the part of the petitioner. Since, the recruitment process is of the year 2017, the petitioner has not taken any steps immediately to challenge that order and due to laches and delay on his part, at this stage, this writ petition cannot be entertained. Accordingly, I do not find any merits in this case.

**N.SATHISH KUMAR, J.**



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6. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

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Internet: Yes/No

Neutral Citation: Yes/No

To

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