



W.P(MD)No.15035 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15035 of 2023

C.Ganesan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region, Kanyakumari District.

3.The Dean,
Medical Board,
Kanayakumari Medical College Hospital,
Asaripallam, Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to provide alternative work to the petitioner on the basis of medical certificate dated 26.10.2022 issued by the 3rd respondent namely Medical Board, Kanyakumari Medical College instead of Driver on permanent basis as per the provisions of Disabled



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Persons (Equal Opportunities, Rights) Act, 1995 within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Ramaiah,
Standing Counsel for R1 & R2.
Mr.T.Villavan Kothai,
Addl. Government Pleader for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as Driver in the respondent corporation. He developed some ailments. He was therefore referred to the third respondent. The third respondent after examining the petitioner certified that he is suffering from certain conditions as a result of which, he is not fit to continue as Driver and that reexamination is needed after five years. The stand of the petitioner is that even though such a medical certificate was issued on 26.10.2022, till date the management has not given alternative duty. That led to the filling of this writ petition.



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3.The first respondent is directed to take a call in the matter. The first respondent has two options. The first respondent can accept the report of the third respondent and give alternative duty to the petitioner. If the first respondent is not accepting the medical opinion of the third respondent, the petitioner can be referred to Rajiv Gandhi Government General Hospital within a period of three weeks from the date of receipt of a copy of this order. Medical Board shall be constituted within a period of four weeks thereafter. Based on the medical report to be given by Rajiv Gandhi Government General Hospital, Chennai, decision will be taken by the first respondent.

4.This writ petition is disposed of accordingly. No costs.

23.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Dean, Medical Board,
Kanayakumari Medical College Hospital,
Asaripallam, Nagercoil,
Kanyakumari District.

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