



W.P.(MD).No.1072 of 2017

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.1072 of 2017
and
W.M.P.(MD).No.913 of 2017**

M.Mohan Raj

... Petitioner

Vs.

- 1.The Director General,
Directorate General,
CRPF,
CGO Complex,
Lodhi Road,
New Delhi – 110 003.
- 2.The Inspector General of Police,
Central Frontier,
I.T.B.P.Force,
Plot No.162-164 (E-8),
Trilanga,
Madhya Pradesh – 462 039.
- 3.The Deputy Inspector General of Police,
Group Centre,
CRPF,
Avadi,
Chennai – 600 065.
- 4.The Chief Medical Officer (SG),



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Composite Hospital,
CRPF,
Avadi,
Chennai – 600 065.

... Respondents

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 pertaining to impugned Review Medical Examination Result dated 24.08.2016 given by the fourth respondent in furtherance of the Unfit certificate dated 16.05.2016 given by the Medical Examination Team at Sivagangai for the petitioner whose Registration No.8204000522 and consequently direct the second respondent to issue the appointment order as a Constable (GD) in Central Armed Police Forces (CAPFs).

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.K.R.Laxman,
Central Government Senior Panel Counsel.

ORDER

This Writ Petition is filed challenging the impugned Review Medical Examination Result dated 24.08.2016 given by the fourth respondent in furtherance of the Unfit certificate dated 16.05.2016 given by the Medical Examination Team at Sivagangai and consequently direct the second respondent to issue the appointment order as a Constable (GD) in Central Armed Police Forces (CAPFs).



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2. The petitioner participated in the combined recruitment process for the post of Constable through Staff Selection Commission. The petitioner attended the Physical Efficiency Test (PET) held on 25.05.2015. Thereafter, the selected candidates were sent for medical examination. In the medical examination, the petitioner was declared as unfit for the reason that he was stammering. The petitioner preferred an Appeal along with the certificate from the Specialist Medical Officer, Madurai. The Medical Officer after due examination, gave a certificate that the petitioner is medically fit for the said post. Thereafter, review medical examination took place on 24.08.2016 at CRPF Campus, Avadi, Chennai. The Chief Medical Officer is an Orthopedic Consultant. Among three members of the RME Board, nobody is from the department of ENT. Moreover, the respondent's rules also state slight stammering is acceptable. Therefore, the petitioner prayed the respondents to consider him for further medical examination. The petitioner was examined at Aavadi, thereafter to the Rajaji Government Hospital, Chennai. On the 5th day of examination that is on 29.08.2016, the Board of Doctors examined the petitioner and concluded the examination. The copy of the result of Review Medical Examination was given to the petitioner on 29.08.2016. In the meanwhile, the respondents were preparing for publishing the selected candidates list. Aggrieved over the same, the present Writ Petition is filed.



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3. The respondents have filed a counter stating that the petitioner was advised to cool down, relax, take deep breath, take his own time and thereafter direct him to attend the medical examination. In spite of that, the petitioner was speaking with unusual involuntary pauses with repeated sounds and had the tendency to repeat initial letters and words and was having difficulty to read or say any few sentences nonstop. He also had repetitive eye blinking followed by prolonged eye closure. Therefore, the petitioner was sent for further examination and thereafter Medical Board states as far as the fluency of speech is concerned, the petitioner is having fluent speech and there was no stammering. However, the Medical Report states there was some phonetics gap and harness of voice and the petitioner was advised to attend voice therapy and speech therapy coupled with voice test.

4. The petitioner as well as the respondents have not stated whether the petitioner has attended the voice therapy and speech therapy. From the reports and documents placed before this Court, it is seen that if the petitioner is given some therapy, the petitioner's speech would become normal. Therefore, this Court is inclined to remit back the case to the respondents to provide voice therapy and speech therapy to the petitioner and if the petitioner has recovered



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from such illness and if he is fitted within the parameters, then the petitioner's candidature may be considered. The entire exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order. Within the period of this four months, if the petitioner is subjected to therapy , then the medical expenses shall be incurred by the petitioner.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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