



W.P.No.12559 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12559 of 2020

and

W.M.P. No. 15482 of 2020

C.Jayaraj

... Petitioner

Vs

1. The Director General of Police,
Directorate General, CRPF,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
2. Inspector General of Police,
Southern Sector CRPF,
Road No. 10C, Jubilee Hills,
Near MLA/MPs Colony,
Gayathri Hills,
Hyderabad – 500033.
3. The Inspector General of Police/Medical Superintendent
Composite Hospital, GC CRPF,
Hyderabad,
Telengana, Pin -500 005.
4. The Deputy Inspector General of Police,
Chennai Range Hqr., CRPF,
Avadi, Chennai – 600 065.
5. The Commandant,



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42, Bn, CRPF,
District Police Training Centre,
Lalacheruvu Post,
Rajahmundry,
Andra Pradesh – 533 106.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the third respondent letter No. M.III-3/2017-PA-CH (H) dated 25.02.2017 by which medical invalidation board proceedings of the petitioner were submitted and subsequent order dated 06.07.2020 of the first respondent in proceedings No. W.V.23/2019-Wel-DA-IV dated 06.07.2020 rejecting his appeal for review medical Board and quash the same and consequently thereby direct the respondents to constitute a Review Medical Board from the outside organization/State Government Hospital to conduct his review medical examination and for his fresh medical categorization and take further course of action on review medical board proceedings.

For Petitioner : Mrs. R.Meenakshi

For Respondents : Mr. P.R.Ramesh Babu,
Central Government Senior
Standing Counsel

ORDER



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This Writ Petition has been filed challenging the Medical Board's invalidation proceedings dated 25.02.2017 and the consequent proceedings dated 06.07.2020, thereby rejecting the appeal filed by the petitioner for review of the Medical Board's invalidation proceedings.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner had joined the Central Reserve Police Force as Constable/General Duty on 08.10.2004. While he was serving in 42 Battalion CRPF, Rajahmundry, Andhra Pradesh, he was issued a notice for medical invalidation from service on the basis of the medical board proceedings of the third respondent. Further, he was directed to submit an application/written request, if any, before the expiry of the one-month notice by the fifth respondent dated 30.03.2017. After the period of one month, he was medically invalidated out of service with effect from 29.04.2017 by proceedings dated 29.04.2017.

4. The learned counsel for the petitioner submitted that the respondents failed to realize that in the medical board proceedings, the



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petitioner was declared medically unfit for service without examining him or his presence. Further, a provision was kept in the show cause notice for reply, stating that the opinion of the review medical board should be submitted to the concerned authority along with a Medical Certificate issued by a Government Doctor not below the rank of Civil Surgeon or equivalent status. However, the petitioner was confined in the Battalion campus and not allowed to go outside the campus to obtain the Medical Certificate from a Government Doctor. Therefore, the petitioner could not submit the representation within the notice period of 30 days.

5. In fact, the petitioner was declared as 0% (zero percent) disability by the medical board. Therefore, the petitioner has no disability and he is fit for duty. As per the instructions of the Standing Order, the first respondent ought to have considered the petitioner's appeal against the low medical categorization. However, without considering the same, the first respondent rejected the said appeal for review of the medical categorization. The learned counsel for the petitioner also relied upon a similar issue dealt with by this Court, in which it directed to re-consider the case of the petitioner with reference to the documents produced by the petitioner to



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prove his fitness and continue in service.

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6. The respondents filed a counter affidavit and submissions made by the learned Central Government Senior Standing Counsel appearing for the respondents reveal that the medical invalidation order dated 29.04.2017 was already challenged by the petitioner in W.P. No. 16146 of 2017. However, the petitioner had not chosen to challenge the invalidation report dated 25.02.2017. The said Writ Petition was dismissed, and aggrieved by the same, the petitioner preferred a Writ Appeal in W.A. No. 1112 of 2017, and the same was also dismissed by this Court by order dated 11.10.2017. Aggrieved by the same, the petitioner filed a review application in Rev. Appln. No. 168 of 2019, and the same was also dismissed.

7. On a perusal of the records, it reveals that the petitioner has been suffering from alcohol dependence syndrome since January 2015. Therefore, the petitioner was admitted to Composite Hospital, CRPF, Hyderabad from 03.01.2015 to 08.01.2015. Once again, he was admitted



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9. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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