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W.A.(MD)NO.619 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A.(MD)No.619 of 2021 AND

C.M.P.(MD)No.2792 of 2021

M.Manickaraj

... Appellant / Petitioner

Vs.

1. The Deputy Inspector General (Recruitment),
Directorate General, C.R.P.F.,
East Block 03, Level 4,
Sector -01, R.K.Puram,
New Delhi – 110 006.

2. The Commandant,
Regional Recruitment Centre,
Group Centre C.R.P.F.,
Avadi, Chennai.

3. The Deputy Inspector General,
Recruitment Training Centre,
45th Bn ITBP, Idayapatty Village,
Madurai, Tamil Nadu.

4. The Dean,
Velammal Medical College Hospital and
Research Institute,
Tuticorin Ring Road, Anuppanadi,
Madurai, Tamil Nadu.

... Respondents / Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 10.12.2020 made in W.P.(MD)No.14288 of 2020 on the file of this Court and allow this writ appeal.

For Appellant : Mr.A.R.Kannappan

For R-1 to R-3 : Mr.M.Karthikeya Venkitachalapathy,
Senior Panel Counsel.

For R-4 : Mr.L.Shaji Chellan

* * *

J U D G M E N T

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The appellant herein took part in the recruitment process conducted by the Staff Selection Commission for the post of Constable (General Duty). The petitioner scored above the cut off marks in the written examination. He also cleared physical efficiency test held on 20.08.2019. He thereafter underwent medical examination on 20.01.2020. He was found medically unfit for the following reasons:-

“i) Undescended testis

ii) Medium sized Nodules in Left Lung.”



3.The petitioner thereafter filed an appeal before the third respondent. The third respondent also confirmed the disqualification and dismissed the appeal.

4.Challenging the same, the petitioner filed W.P.(MD) No.14288 of 2020. The writ petition was dismissed on 10.12.2020. Questioning the same, the intra-court appeal has been filed.

5. The learned counsel appearing for the appellant submitted that the appellant underwent surgery on 29.01.2020 and that the infirmity pointed out in the medical examination was set right. The fourth respondent herein who conducted the surgery issued certificate stating that the petitioner was fit for all duties.

6. The contention of the learned counsel for the appellant is that the third respondent did not take note of this medical certificate.

7. Though the said contention is persuasive, we are not able to accept the same. As rightly pointed out by the learned Standing counsel, the authority would be obliged to go by the position that was obtained on



the date of issuance of the recruitment notification. When the selection process was conducted, the writ petitioner suffered from the aforesaid infirmity. That it was subsequently set right is of no avail. A copy of the guidelines for recruitment medical examination in Central Armed Police Forces has been enclosed in the typed set of papers. It catalogues as many as 29 features as general grounds for rejection. Serial No.28 reads as follows:-

“Undescended testis, atrophic testis, marked varicocele, testicular swellings.”

The case of the petitioner fell under the category of undescended testis.

8.This factual aspect is not disputed. Merely because the petitioner's infirmity was subsequently cured, that would not advance the case of the appellant. The learned single Judge had held as follows:-

“16.The point for consideration is whether the respondents can reconsider the request of the petitioner subsequent to the curing of infirmities, when the same was identified at the time of medical examination of the petitioner. The answer to this point is 'NO' for the following reasons:

a) At the time of conducting the medical examination, if the petitioner has any problem, then the



respondents can proceed with the matter based on the guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles, which deals with the grounds for rejection. In the present case, the respondents found infirmities with the petitioner and rejected his candidature as 'unfit'.

b) When the same was identified by the respondents at the time of medical examination, the subsequent curing of infirmities by the petitioner will not affect the earlier decision of rejection of the petitioner by the respondents.”

We are satisfied that the approach adopted by the learned single Judge is sound and that interference is not warranted. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
21st November 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

To:

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