



W.P.(MD).No.20382 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20382 of 2023

and

W.M.P.(MD) No.16842 of 2023

Rajasekar

... Petitioner

Vs.

1. Union of India,
Through its the Director General,
General Reserve Police Force
(Recruitment Branch)
(Under Ministry of Home Affairs)
East Block – 07,
Level – 4, Sector – 01.
R.K.Puram, New Delhi – 110 066.

2. Staff Selection Commission,
Through its Secretary,
Block No-12,
CGO Complex,
Lodhi Road,
New Delhi – 110 003.

3. The Presiding Officer/Commandant (GD)
Indo-Tibetan Bortder Police 45th Bn,
ITBP Campus,
Idaiyapatti, South Amur – 625 110,
Madurai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Medical examination report maintained by the third respondent, in Form No.1 for detailed Medical Examination of CT/GD Exam – 2022 Memorandum Unfit, dated 01.08.2023 and Form No.4 of Constable (GD) Exam – 2022 Review Medical Examination Report, dated 02.08.2023 and quash it as illegal and consequently direct the respondents to re-examine the suitability of the petitioner through any other Medical Board by the respondents preferably at the Medical Board of Rajaji Government Medical College and Hospital, Madurai.

For Petitioner : M/s.J.Vishnu

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

The present Writ Petition has been filed by an aspirant to the post of C.R.P.F Constable, seeking to quash the Medical Examination Report of the third respondent dated 01.08.2023 and Review Medical Examination Report dated 02.08.2023 and direct the respondents to re-examine the suitability of the petitioner through any other Medical Board.



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2. A perusal of the impugned orders dated 01.08.2023 and 02.08.2023 reveal that the petitioner was subjected to Medical Examination on 01.08.2023, by the Medical Board and he was found to be unfit. Later the petitioner was subjected to review Medical Examination on 02.08.2023 and again the petitioner was found to be unfit. Challenging these two Medical Reports, the present writ petition has been filed.

3. Pending writ petition, by way of interim orders, the petitioner was referred to the Regional Medical Board of Government Rajaji Hospital, Madurai, wherein the Board has opined that the disability has been cured and the petitioner is fit now. Based upon the said report of the Medical Board, the petitioner now claims that the impugned Medical Reports dated 01.08.2023 and 02.08.2023 shall be set aside and he may be declared fit and issued with an order of appointment.

4. Per contra, the learned Deputy Solicitor General of India appearing for the respondents brought to the notice of this Court that as far as the appointments in Armed Forces are concerned, the medical opinion offered by



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the Doctors in Armed Forces will prevail over the opinion of the Private Doctors or other Government doctors. He further contended that the demand of duty of the forces in which the recruited personnel are required to work is completely different and it is most stringent than for civil employment.

5. The learned Deputy Solicitor General of India had relied upon the judgement of Delhi High Court, dated 21.12.2020 in ***W.P(C) No. 10783 of 2020 between (K.M.Priyanka vs. Union of India and others)*** in support of his contention. He further pointed out that the order of the Delhi High Court has been confirmed by the Hon'ble Supreme Court in S.L.P.No.3436 of 2021, dated 08.03.2021.

6. In view of the findings of the Delhi High Court, which have been confirmed by the Hon'ble Supreme Court, I am of the considered opinion that the physical fitness required for a Civil employment is completely different from that of the employment in Indian Army. Therefore, the medical opinion expressed by the Private or Government Doctors cannot be taken into consideration and cannot prevail over the opinion of the medical professional in the Army. In such circumstances, the prayer of the writ petitioner relying



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upon the opinion of the Medical Board of Government Rajaji Hospital, Madurai cannot give him any advantage.

7. The Registry is directed to provide the copy of the report of the Regional Medical Board, Government Rajaji Hospital, Madurai to the writ petitioner.

8. In view of the above said circumstances, there are no merits in this writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

26.11.2024

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

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