



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10852 OF 2025

The M.S.R.T.C., Thr Its Div. Controller Parbhani Div. Parbhani

VERSUS

Mohammad Athar Mohammad Akbar Inamdar

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Advocate for the Petitioner : Mr. Bagul Dnyaneshwar Suresh

Advocate for Respondent : Mr. Parag P Shahane

...

AND

WRIT PETITION NO. 10858 OF 2025

The M.S.R.T.C., Thr Its Div. Controller Parbhani Div. Parbhani

VERSUS

Gajanan Govindrao More

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Advocate for the Petitioner : Mr. Bagul Dnyaneshwar Suresh

Advocate for Respondent : Mr. Parag P Shahane

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CORAM : ARUN R. PEDNEKER, J.

Dated : November 25, 2025.

PER COURT :-

1. Heard.

2. The learned Counsel appearing for the petitioner submits that a large number of people have obtained medical certificates from different places by falsely claiming to be suffering from colour blindness. He submits that in the districts of Dhule, Jalna and Buldhana, several individuals have made such claims. An inquiry was thereafter conducted, and the concerned persons were subjected to eye testing at J.J. Hospital, Mumbai. Upon receipt of the reports from J.J. Hospital, FIRs were registered against all employees who had falsely claimed colour blindness.

3. The learned Counsel submits that in the present case also, he apprehends a similar fraud being played upon the Corporation by the respondent employees. He submits that the District Medical Superintendent had issued certificates declaring the employees colour-blind, based on which they were given posting as Peons. After serving for about five years, a complaint was received by the Corporation alleging that the employees were not colour-blind and had fraudulently procured certificates from the Medical Superintendent. Consequently, the employees were directed to undergo medical testing at J.J. Hospital, Mumbai. Upon examination, J.J. Hospital found that the employees were not suffering from colour blindness. Based on this report, the employees were repatriated to their original posts.

4. The repatriation order was challenged by the employees before the Industrial Court. An application for stay of repatriation was filed but came to be dismissed. The employees thereafter filed a writ petition, which was dismissed. Subsequently, another application was filed by the employees seeking a direction for their examination at Visionnext Hospital. The Industrial Court rejected this application, leading to the filing of the writ petition before this Court.

5. In the writ petition, after hearing both sides, this Court directed the employees to remain present before Visionnext Hospital, Pune, for

verification of colour blindness. Visionnext Hospital submitted a report stating that the employees were colour-blind. Based on this report, the complaint came to be allowed, followed by consequential orders, which are now under challenge.

6. The learned Counsel for the applicant submits that several individuals have adopted fraudulent methods in similar matters and further submits that Visionnext Hospital was not on the approved panel at the time when this Court directed examination at that hospital. He submits that Visionnext Hospital has since been removed from the panel. He further submits that, as the Advocate was not available at the relevant time, this fact could not be brought to the notice of the Court.

7. The learned Counsel submits that, in these circumstances, the employees may be directed to remain present before J.J. Hospital, Mumbai, for verification of colour blindness. He states that in the event J.J. Hospital issues a report in favour of the employees, he would withdraw the petition. He places reliance on the order passed by the Division Bench in *Gopal Bhika Patil vs. Maharashtra State Road Transport Corporation* (Writ Petition No. 6359 of 2024, decided on 16/07/2024), wherein the Division Bench directed the employee therein to remain present for medical examination before J.J. Hospital, Mumbai, in respect of tissue injury on the elbow.

8. Having considered the submissions made by the learned Counsel for the petitioner, it is seen that when the matter was moved before this Court for directing the petitioner to remain present before Visionnext Hospital, no objection was raised by the petitioner to such reference.

9. It is also seen from the record that Visionnext Hospital was not removed from the panel on account of any irregularity, but because they had expressed their inability to the Corporation to conduct tests. Their empanelment has always been on account of their competency in dealing with eye-related test / treatments. The record further shows that they are empanelled with other Government establishments as well, as reflected in the circular dated 23/01/2020.

10. The direction to empanel Visionnext Hospital was issued as it had competency/ instruments to detect four different types of colour-blindness, and earlier they were conducting test for the Corporation and issuing reports. Since J. J. Hospital did not have the necessary equipment to deal with a particular type of colour-blindness, Visionnext Hospital was empanelled for that purpose. Upon considering all the relevant material, Visionnext Hospital has issued a certificate stating that the employee is colour-blind. The respondents' employee has suffered colour-blindness on account of retinal macular degeneration, which is age-related.

11. The objection raised by the petitioner that large numbers of fraudulent practices were detected among employees in Dhule, Jalna and Buldhana districts, *per se*, does not lead to an inference of fraud in the present case, particularly when the Superintendent of Government Hospital has granted such certificate and Visionnext Hospital have conducted the re-examination pursuant to the directions of this Court. This Court cannot direct repeated tests only until the petitioner is satisfied.

12. In view of the above, no case for interference is made out. Accordingly, the petitions stand dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.