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W.P.No.8008 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.10.2025
Pronounced on : 31.10.2025
CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.8008 of 2019
and WMP.No.8599 of 2019

V.S.Aravindan

... Petitioner

vs

1. The Chairman
Tamil Nadu Uniformed Service
Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.
2. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai – 600 004.
3. The Commissioner of Police,
Tamil Nadu Police
No.62, Old Post Office Road,
Near Railway Station,
Gopalapuram, Coimbatore – 641 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order of the third respondent dated 27.11.2017 *vide* in Na.Ka.No.A4/18006/2017, quash the same and consequently direct



the respondents to appoint the petitioner to the post of Grade II Police Constable and pass orders.

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For Petitioner : Mr.D.Udhayasuriyan
For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mrs.V.Yamunadevi
Special Government Pleader

ORDER

Heard learned counsel for the petitioner and learned Additional Advocate General appearing for the respondents.

2. The facts of the case of the petitioner in nutshell are that pursuant to the notification issued by the 1st respondent he had applied for the post of grade II police constable during the year 2017-18; that he was permitted to write a written exam wherein he had secured 58 marks; that in the physical fitness test conducted thereafter he had secured 12 marks and passed the physical fitness examination; that he was also given extra 1 mark for extra curricular activities; and that after certificate verification he was sent to medical examination in the presence of medical experts; and that even



though his eye vision was very good; his candidature was rejected on 25/9/2017 on the ground that one year before he had got lasik treatment to eyes and was directed to appear before the special medical expert committee at Egmore.

3. It is the further case of the petitioner that he had appeared before the special medical expert committee on 9/10/2017 wherein he was examined and found no fault in his eye vision; that in spite of being found with no defect in eye vision the respondents have rejected his candidature for the post of grade II constable on the ground that he had made lasik treatment to the eye; and that the 3rd respondent issued impugned order dated 27/11/2017 mentioning the reasons as “patient underwent lasik elsewhere one year back. Since, the candidate underwent lasik one year back, BOTH EYES UNFIT”.

4. Petitioner contended that though he was successful in the written examination, physical fitness test and also cleared the certificate verification but was disqualified only on the ground of having got a lasik test one year



before, even though there is no vision problem in the eye at the time of medical examination.

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5. It is further contention of the petitioner that aggrieved by the rejection of his candidature, he submitted representation dated 18/01/2018 to the 3rd respondent to review the impugned order dated 27/11/2017 and to conduct eye examination again in the presence of medical expert committee; that as the aforesaid representation was not considered, he had approached the 2nd respondent on several occasions in person to conduct eye examination and all his subsequent efforts also proved futile. Hence this writ petition.

6. *Per contra*, counter affidavit on behalf of 3rd respondent it is contended that the petitioner was provisionally selected for the post of Grade II police constable for the year 2017-18 in the examination conducted by the 1st respondent subject to police verification of character and antecedents and medical examination through medical board of the district



government headquarter hospital/ medical college hospital; that a medical examination was conducted by the panel of medical board members of Coimbatore medical college hospital, Coimbatore on 20/09/2017 and after conducting investigation, the medical board has found that the petitioner's 'both eyes unfit' since, the petitioner underwent lasik surgery in his both eyes in private hospital on 27/05/2016.

7. By the counter affidavit it is also contended that the medical board referred the petitioner to directed, regional institute of ophthalmology, Egmore, Chennai for examination and necessary opinion; that on the petitioner appearing before the medical board at regional institute of ophthalmology and government ophthalmic hospital, Egmore, Chennai on 9/10/2017, the board examined the petitioner and submitted proceedings opining that 'patient underwent lasik elsewhere one year back. Since, the candidate underwent lasik one year back, BOTH EYES UNFIT'.

8. By the counter affidavit it is further contended that Rule 13 and Rule 14 of the Tamil Nadu Police subordinate service rules and Tamil Nadu



Special Police Subordinate Rules as amended w.e.f. 28/10/2005 mentions that the candidates must be in sound health and free from any physical defects and provides for disqualification if undergone lasik/laser surgery/excimer laser surgery in either of the eye; that as the petitioner was found having got performed lasik surgery, he was issued with endorsement/proceedings dated 27/11/2017 indicating the reason for his non selection to the post of grade II police constable, as he was declared medically unfit on the above ground.

9. On behalf of the respondents, it is contended that as the Service rules clearly stipulates that, if a candidate has undergone lasik / laser surgery to any of his eye would stand disqualified, the petitioner ought not to have applied at the first instance; and that since, the notification clearly specifies that the selection in written exam, physical test is 'provisional' subject to 'Medical examination and antecedents verification' and till clearing the said test and verification, the petitioner cannot claim of having been selected to the post.



10. It is also contended by the respondents that appearing for ‘Medical examination’ is to determine as to whether a candidate meets the medical criteria specified in the Rules by conducting various tests to ascertain as to the candidate meeting the parameters specified; that one of the parameter being with regard to not having undergone lasik/laser surgery to any of the eyes; and that since, the petitioner had got performed lasik surgery he was declared “unfit” medically.

11. In support of the aforesaid submissions, reliance is placed on the decision of the Division Bench of this court rendered in the case of ***“The Director General of Police & another v. S. Anjalin Priyadharshini, - dated 04.03.2025 in W.A. No. 108 of 2023.*** By contending as above, the respondents seek for dismissal of the case.

12. I have taken note of the respective contentions urged.

13. While the petitioner contended that despite having being selected for the post of Grade-II Police Constable, having cleared the written, Physical test, he being denied the appointment, it is to be noted that the notification issued by the respondent clearly specifies that a candidate who



qualifies in the written and physical test would be treated as ‘provisionally selected’ and is to be subjected to medical examination and investigation as to previous habits and character by the respondent department. This is for the reason that a selected candidates would go to become a member of uniformed service, requiring to possess higher endurance both physically and mentally apart from having good character.

14. In the case of Zahoor Ahmad Rather and others v. Sheikh Intiyaz Ahmad and others reported in (2019) 2 SCC 404 it is held as follows :-

“26..... The prescription of qualifications for a post is a matter of recruitment policy. The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications.....”

27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the



acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily.....”

15. The service rules of the respondent thus, prescribes various parameters, a provisionally selected candidate is required to satisfy in order to be selected to the post of Grade-II police constable. One of the parameter specified in the Rules is with regard to a candidate having under gone ‘Lasik / Laser Surgery / Excimer Laser Surgery in either of the eye being treated as disqualification. The said condition / parameter has been inserted in the Rules by way of an amendment under G.O. (Ms) No. 678 Home (Police IX) Department, dated 28.07.2006. Thus, the said Rule existed on the Rule book when the respondent issued the notification 2017-18 for the recruitment of Grade –II Police constables, to which the petitioner had applied. Thus, the petitioner ought to have known that as per the above



condition / criteria in service rules, he would stand disqualified, having undergone Lasik surgery, more so when the Rule does not provide for any relaxation of time period for the said disqualification to apply and thus, being a blanket disqualification.

16. The petitioner does not dispute of the fact of he having underwent 'Lasik surgery' earlier. As the Rule, which provides the said disqualification, does not prescribe any time period and being a blanket restriction, the petitioner at the first instance, ought not to have applied for the selection at all or the least could have sought for clarification from the concerned authority as to whether the said disqualification is for any particular period or would apply from birth, till appearing for the selection. Secondly, the petitioner, only seeks for conducting medical examination again claiming that he has got good eye vision. However, the issue is not with regard to the petitioner having the required eye vision or not, requiring another examination by experts, but he attracting the disqualification on account of having underwent 'Lasik Surgery' to his eyes earlier, which itself is a disqualification for being selected to the post applied for.



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17. Though on behalf of the petitioner, it is contended that the aforesaid restriction is arbitrary as it seeks to disqualify a candidate for all times to come, it is be noted that there is no challenge to the Rule in the present writ petition, which was added by way of an amendment to the service rules in the year 2006. In absence of any challenge to the Rule, this court refrains from considering the oral submissions made in this regard. Further, as the notification clearly stipulated that a candidate who qualifies in the written and physical test is only 'provisionally selected' and is to be subjected to medical examination and previous habits and character verification, failing in any one of the further conditions, would result in the 'provisional selection' being treated as cancelled, merely by getting 'provisionally selected' would not confer any right to a candidate like petitioner to claim of having been selected for the post and being denied the job/post subsequently.

18. In the case of Shankarsan Dash V. Union of India reported in (1991) 3 SC 47 it is held as follows :-



“7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post.....”

19. Further, the same condition of undergoing of ‘Lasik / Laser Surgery ‘attracting disqualification for selection to the post of Grade-II Police Constable, was subject matter of consideration by a Division Bench of this court in ***S. Anjalin Priyadharshini*** case (*supra*), relating to the Notification of the year 2019, the Division bench noted the case of the candidate, who approached the court by filing writ petition reading as under:

“3. It is the case of the respondent that she got selected through out the selection process. Ultimately when she was subjected to medical examination, where at least twice the medical examination was conducted, the Medical Board has, in the first opinion, specified that the respondent had refractive error in both of her eyes. The second opinion of the Medical Board also goes on the same lines that both the eyes



of the respondent has refractive error and she is unfit due to the said defect in her eyesight. In view of this medical opinion, the candidature of the respondent was rejected through the rejection order dated 08.01.2021, which was challenged in the writ petition.”

20. The Division Bench, thereafter by considering the submissions made on either side held as under :

“6. If that being the reason which influenced the mind of the Writ Court to give such a direction to the appellant Department to consider the candidature of the respondent, we are not inclined to accept the same for the simple reason that, once two such medical reports are given, making it clear that both the eyes of the respondent have refractive error which makes her unfit and therefore such an unfit person cannot be directed to be considered for the post of Grade II Police Constable, which is a post for which there must be complete physical fitness.”

21. The Division Bench by holding as above, had set aside the order of the Learned Hon'ble Single Judge in W.P. No. 7915 of 2021. The aforesaid decision of the Division Bench of this court applies in all force to the facts of the present case, being identical in challenge.



22. In view of the above, no case is made out calling for interference by this court in the present writ petition to declare the action of the respondents in issuing the impugned proceeding dated 27.11.2017 as being illegal, arbitrary in order to quash the said proceeding.

23. Accordingly, the writ petition fails and is dismissed. No order as to costs. Consequently, miscellaneous petitions pending if any, shall stand closed.

31.10.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No
dh

To

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T. VINOD KUMAR, J.

dh

Pre-delivery order made in
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31.10.2025