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W.A.No.108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A No. 108 of 2023 and
CMP NO. 1142 OF 2023**

1. The Director General of Police
Dr. Radhakrishnan Salai, Mylapore,
Chennai- 4.

2.The Deputy Commissioner Of Police
Administration (G) Head Quarters,
Greater Chennai Police, Veppery
Chennai- 8

... Appellants

Vs

S.Anjalin Priyadharshini
D/o. Sasikumar No 38/17, 1st Main Road,
Thiruvalluvar Nagar, Kodungaiyur,
Chennai- 118.

... Respondent

PRAYER

Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 29.03.2021 made in WP No.7915 of 2021.



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For Appellants: Mr.R.Kumaresan,
Additional Advocate General
Assisted by Mr.M.Venkateswaran
Special Government Pleader

For Respondent Mr.S.Sivakumar

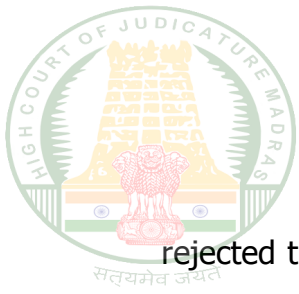
JUDGMENT

(Judgment of the Court was made by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 29.03.2021 in W.P.No.7915 of 2021.

2. The respondent Angelin Priyadarshini was one of the candidates who has been subjected to the selection process pursuant to notification dated 06.03.2019 by the Police Department for selection to the post of Grade II police constable (Armed Reserve). The selection process was based on written examination followed by physical measurement, viva-voce and certificate verification.

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



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rejected through the rejection order dated 08.01.2021, which was challenged in the writ petition.

4. The learned Writ Court, after having taken note of these factors has simply given a direction to the appellant Department to consider the case of the writ petitioner for appointment to the post of Grade II Police Constable. Such a direction was issued by the Writ Court, following a judgment of Division Bench of this Court in W.A.(MD) No.941 to 953 of 2020 dated 15.02.2021 and the relevant portion of the Division Bench judgment also has been quoted by the learned Judge of the Writ Court in Para 3 of the impugned order.

5. In order to have ready reference, the relevant portion of the order impugned is extracted hereunder:

“ 3. Learned counsel for the Petitioner drew the attention of this Court to the judgment dated 15.02.2021 rendered by the Madurai Bench of this Court in W.A.(MD) Nos.941 to 953 of 2020, wherein, in a similar circumstance, it was observed as under:

“9. At this juncture, the learned Senior Counsel appearing for the Respondents submitted that, a direction may be issued to give appointment orders, as the Respondents are awaiting for quite sometime despite having become qualified with their names in the provisional list.



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10. We are inclined to agree with the said submission made. Accordingly, the appellants are directed to give appointment orders to the Respondents within a period of six weeks from the date of receipt of a copy of this judgment.”

4. Learned Additional Government Pleader appearing for the Respondents submitted that, if there is no proper eye-sight, candidature of the Petitioner has to be rejected. However, she fairly stated that, there is an observation of the Madurai Bench of this Court as pointed out by the learned counsel for the Petitioner.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. In the light of the judgment dated 15.02.2021 passed by this Court in W.A.(MD) Nos.941 to 953 of 2020, this Court directs the 2nd Respondent herein to consider the case of the Petitioner for appointment to the post of Grade~II Police Constable (Armed Reserve), if she is otherwise eligible, and pass appropriate orders and in accordance with law, and if there are no other legal impediments, within a period of six weeks from the date of receipt of a copy of this order.”

6. Absolutely nothing has been stated in the said judgment dated 15.02.2021 as has been quoted by the learned Judge in Para 3 of the order. 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



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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.

7. Therefore, we have no hesitation in holding that the order which is impugned herein is liable to be set aside and accordingly it is set aside. The writ appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (A.D.M.C.,J.)
04.03.2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
KST

To

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