



W.P.(MD)No.8452 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8452 of 2025

R.Mohammed Yasin

... Petitioner

Vs.

1.The Director / Director General of Police,
Directorate of Tamil Nadu Fire and
Rescue Services Department,
Egmore, Chennai - 600008.

2.The Inspector General of Police / Member Secretary,
The Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai - 08.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to act upon the proceedings of the second respondent in Na,Ka.No.R-4/27/302/2025, dated 04.02.2025 and thereby permit the petitioner for re-medical examination within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader



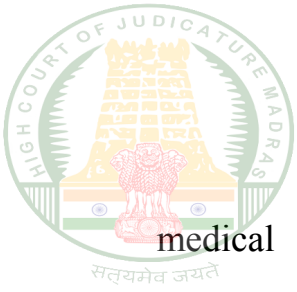
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ORDER

This writ petition has been filed for seeking a Mandamus, directing the first respondent to act upon the proceedings of the second respondent, dated 04.02.2025 and thereby permit the petitioner for re-medical examination within the period stipulated by this Court.

2. Pursuant to the Notification No.2 of 2023, dated 08.08.2023 calling for application for the appointment to the post of Grade II Police Constable, Jail Warden and Fireman, the petitioner submitted his application and appeared for the written examination. He scored 42 marks in TET and 55 in main examination and called for physical test. He also cleared physical test on 07.02.2024. His name was included in the provisional list. Thereafter, he was called for certificate verification and also declared as successful in the same. But his name was not found in the final list. When he approached the medical board, it is informed that he was found not fit due to the opinion by the Ophthalmology Department. The petitioner could not able to know the reasons for non-selection. The petitioner came to know as per G.O.Ms.No.1791, Home (Police.3) Department, dated 14.12.2007, a person can approach for second



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medical board on submission of the medical certificate. At present, the petitioner is having no problem with his vision and as such he could be considered for appointment. As such, he made a representation on 22.01.2025 to the respondents. On receipt of the same, the second respondent vide letter dated 04.02.2025 forwarded the same to the first respondent to take appropriate action. Thereafter, no action was taken by the first respondent. Aggrieved by the same, the present writ petition is filed.

3. There is no dispute that the petitioner was not selected by the sole reason that he was found to be defective vision. To consider the issue involved in this writ petition, it is appropriate and relevant to go through into the Rule 5A of Tamil Nadu Fire Subordinate Service Rule, which is extracted herein under:

“Rule 5A.Medical Examination:

Every candidate selected for appointment to Class II category 3 by direct recruitment shall appear before the Medical Board constituted for the purpose. The Medical Board on examination of the candidate shall certify his fitness in the form specified in Annexure III. In case a candidate is certified to be temporarily unfit, he shall reappear before the Medical Board within a period of three months from the date on which he is so certified. On re-examination, if he is again found to be unfit, he shall be disqualified.”

4. On bare perusal of the aforesaid Rule, it is provided therein that if the candidate was found to be temporarily unfit, he will be given chance to appear



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before the medical Board within three months from the date on which the

WEB candidate is certified.

5. In the present case, though the petitioner submitted a representation on 22.01.2025 and the same was forwarded by the second respondent on 04.02.2025 to the first respondent and thereafter, no action was taken by the first respondent. Under these circumstances, in our considered view, the action of the first respondent in not referring the petitioner to the medical board by considering his representation is unreasonable.

6. While considering the identical issue in writ petition in W.P.(MD)No.12527 of 2021, the learned Single Judge by order, dated 09.09.2022 held as extracted herein under:

“7. Taking note of the fact that the petitioner had cleared the written test, the physical test and also the physical endurance test and since the petitioner's case falls within the scope of Rule 5A, I direct the first respondent to let the petitioner undergo a second medical test before the Medical Board. If the Medical Board certifies that the petitioner's vision is free from any defect, the petitioner will be issued with an appointment order. The petitioner will be referred to Medical Board within a period of two months from the date of receipt of a copy of this order.”



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WEB COPY 7. Considering the facts and circumstances of the case and by following the order of this Court stated supra, this writ petition is allowed with the following directions:

1. The first respondent is directed to permit the petitioner for second medical test before the medical board within a period of four weeks from the date of receipt of a copy of this order.

2. If the medical board certifies that the petitioner is free from any defect, the respondents shall issue appointment order to the petitioner.

No costs.

27.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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To:
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BATTU DEVANAND, J.

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