



W.P.(MD)No.10875 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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**DATED: 04.03.2025**

CORAM

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P.(MD) No.10875 of 2019  
and  
W.M.P.(MD) No.8326 of 2019**

Kesavan

... Petitioner

VS.

- 1.The Chairman,  
Tamil Nadu Uniformed Services Recruitment Board,  
Old Commissioner of Police Campus,  
Pantheon Road,  
Egmore, Chennai 600 008.
- 2.The Member Secretary,  
Tamil Nadu Uniformed Services Recruitment Board,  
Old Commissioner of Police Campus,  
Pantheon Road,  
Egmore, Chennai 600 008.
- 3.The Chairman,  
Recruitment Sub Committee,  
Madurai Centre and Deputy Inspector General of Police,  
Madurai Range,  
Madurai.
- 4.The Superintendent of Police,  
Sivagangai District,  
Sivagangai.



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5. The Chairman,  
Special Medical Board Examination,  
Regional Institute of Ophthalmology and  
Government Ophthalmic Hospital,  
Chennai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 09.10.2017 in Na.Ka.No. A3/9545/2017 passed by the 4th respondent and Consequential impugned order passed by the 5th respondent vide his Proceedings dated 27.09.2018 and quash the same as illegal and consequently direct the respondents to consider the petitioner's appointment in the Common Recruitment for the Posts of Grade-II Police Constable, Grade-II Jail Warder and Fireman 2017.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.G.V.Vairam Santhosh  
Additional Government Pleader

### **ORDER**

Under assail is the order dated 09.10.2017 passed by the fourth respondent/the Superintendent of Police, Sivagangai District, Sivagangai and also the order dated 27.09.2018 passed by the fifth respondent/the Chairman/the Chairman, Special Medical Board Examination, Regional



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Institute of Ophthalmology and Government Ophthalmic Hospital,  
Chennai.

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2.The case of the petitioner is that he is now working in Border Security Force at Mizoram as Head Constable. The petitioner joined Border Security Force as a Constable in the year 1994. From the year 2010 to 2015, he had been served in National Security Guard VIP Duty and Anti-Militant Squad. He has sufficient training and knowledge of explosives and improvised explosive devises and he underwent Black Cats Training and served as a Black Cat Commodo in VIP security duty of Z+ category. He wanted to live with his family and intended to get a job in Tamil Nadu.

3.While so, in the year 2017, the first respondent issued a Notification, inviting applications for the post of Grade – II Police Constable, Grade – II Jail Warder and Fireman. The petitioner made an application to the respondents and he successfully passed the written examination and his name was also selected in the provisional selection list. Thereafter, he was sent to medical test conducted by the Board of



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Doctors and the Government Board of Doctors at Sivagangai reported that there is SQUINT present in the petitioner's eye and therefore, the order impugned came to be passed by the fourth respondent, rejecting him for the post of second Grade Constable.

4.The petitioner thereafter obtained an eye fitness certificate from the Medical Officer (Eye Surgeon) Mathabhanga SB hospital, Coochbehar and the same was submitted before the fourth respondent. Thereafter, the fourth respondent issued a letter dated 30.05.2018, directing him to prefer an appeal before the institute of Ophthalmology, Egmore, Chennai. Accordingly, the petitioner appeared before the fifth respondent and the fifth respondent issued a certificate as unfit remarking 'Divergence Excess Type Exotropia for Distance'. The petitioner has no visual problem and is still serving in Border Security Force for a period of more than 25 years. Hence, this writ petition.

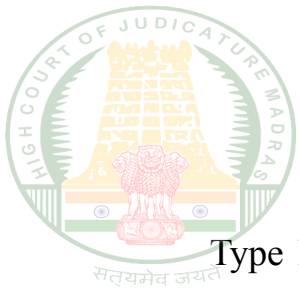
5.The learned counsel appearing for the petitioner would submit that the order impugned passed without considering the material fact that the petitioner is still working in Border Security Force for a period of



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more than 25 years and also without considering the fact that the petitioner had served as Black Cat Commando and also as a National Security Guard in VIP security duty of Z+ category for various State of Hon'ble Chief Ministers. He would submit that the order impugned has been passed, in violation of Rule 13 of Tamil Nadu Police Subordinate Services Rules. There is no specific bar to the persons having SQUINT eye. Therefore, the order impugned is liable to be set aside.

6.*Per contra*, the learned Additional Government Pleader appearing for the respondents would submit that as per Rules 13(a) and 13(d) of the Tamil Nadu Police Subordinate Services Rules, no person shall be eligible for appointment to the service, unless the persons have to satisfy the authority that of sound health and free from any bodily defect as enumerated in the Rules. He would submit that as per Madras Medical Board, the petitioner was provided an opportunity to prefer an appeal. The petitioner has also appeared before the Special Medical Board Examination, Regional Institute of Ophthalmology and Government Ophthalmic Hospital, Chennai and after examination, the Board has issued a certificate as unfit remarking 'Divergence Excess



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Type Exotropa for Distance'. The expert opinion issued by the Special Medical Board of Examination becomes final and therefore, there is no necessity to interfere with the impugned order.

7.This Court has considered the rival submissions made on either side.

8.It is seen from the records that the order impugned dated 09.10.2017 came to be passed stating that the petitioner is ineligible as per Rules 13(a) and 13(d) of the Tamil Nadu Police Subordinate Services Rules. At this juncture, it is relevant to cite Rule 13 of the Tamil Nadu Police Subordinate Services Rules. It reads as under:-

*“Rule-13:-*

*No person shall be eligible for appointment to the service by the Direct Recruitment, unless he satisfies the appointing authority.*

*a) That he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service.*



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*b) That his character and antecedents are such as*

*qualify him for such service.*

*c) That such person does not have more than one wife*

*living, or if such person is a woman that she is not married to  
any person who has a wife living and*

*d) That he does not have knock knees or bow legs or flat  
feet.*

*e) That the Petitioner possesses the necessary  
qualification and fitness for the post of Second Grade Police  
Constable.”*

9.The order impugned also states that the petitioner was provided an opportunity of filing an appeal, as per Clause 567 of the Madras Medical Board to get the second doctor's opinion from the recognized concerned speciality Doctor to get a certificate with regard to the falsity of the order impugned. According to the petitioner, the petitioner had obtained the eye certificate and thereafter, the Superintendent of Police, Sivagangai District has issued a letter dated 30.05.2018 directing the petitioner to prefer the appeal before the institute of Ophthalmology,



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Egmore, Chennai. The petitioner had appeared before the said institute of Ophthalmology, Egmore, Chennai. The fifth respondent herein had issued a certificate as unfit remarking 'Divergence Excess Type Exotropia for Distance'. The certificate issued by the fifth respondent is an expert opinion. Though the petitioner has specifically contended that still he is serving in Border Security Force for a period of more than 25 years, by way of this writ petition, this Court cannot go into the veracity of the medical certificate issued by the Doctor.

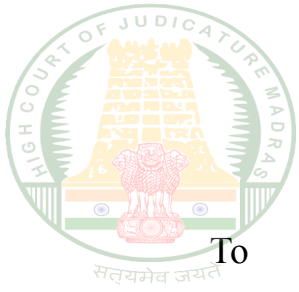
10.In the light of the foregoing discussions, this Court is not inclined to interfere with the impugned order and the writ petition is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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**M.JOTHIRAMAN, J.**

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