



W.P.(MD)No.14986 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.14986 of 2023
and WMP(MD).No.12615 of 2023**

S.Senthilkumar

... Petitioner

Vs.

1.The Government of India
Rep.by its Under Secretary
Union Public Service Commission
Dholpur House, Shahjahan Road
New Delhi 110 069.

2.The Controller of Examination
Union Public Service Commission
Dholpur House, Shahjahan Road
New Delhi 110 069

3.The Directorate General
ITBP (Recruitment Cell)
Block-2, CGO Complex
Lodhi Road, New Delhi
Pin 110 003

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying for a Writ of Certiorarified Mandamus, to call for the records of the third



W.P.(MD)No.14986 of 2023

respondent in his medical examination report dated 03.03.2023 and review medical examination report dated 04.03.2023 quash the same as illegal and consequently direct the 1st respondent to constitute a special medical board for examining petitioner's eye test to and call for the petitioner for interview/personal test based on the petitioner's medical report.

For Petitioner : Mr.A.Rajaram

For Respondents :Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

The instant writ petition has been filed by an aspirant to the post of Central Armed Police Force (Assistant Commandants) pursuant to the notification dated 20.04.2022 under Notification No.9 of 2022.

2.After clearing the written examination, the petitioner was called for Physical Efficiency Test and Medical Standards Test. The petitioner was found to be unfit in medical as well as review medical examination. These two reports are under challenge in the present writ petition.

3.According to the learned counsel for the petitioner, the petitioner having undergone a lasik surgery for his eye treatment cannot be considered to be a disqualification. Relying upon the certificate issued by Aravind Eye Hospitals,



W.P.(MD)No.14986 of 2023

Tirunelveli to the effect he contends that his eye sight is normal and therefore, he prays for constituting a special board to consider his fitness.

4.Per contra, the learned Deputy Solicitor General of India appearing for the respondents herein pointed out that the petitioner has been found to be medically unfit due to Bilateral Varicocele and PRK (Photorefractive Keratectomy Surgery) done in both eyes. Therefore, according him, the medical report cannot be found fault with by the Court. Hence, he prayed for dismissal of the writ petition.

5.I have considered the submissions made on either side and perused the material records.

6.The Medical Board constituted by Central Armed Police Force has arrived at a specific finding that the petitioner is unfit for being selected for the above said post on the ground that the petitioner has undergone lasik surgery in both eyes and the petitioner is suffering from Bilateral Varicocele. The learned counsel for the petitioner submits that if any other medical board is constituted, he would be in a position to establish his fitness. As far as selection to the post of Central Armed Police Force is concerned, the Doctors of the Board are the competent authority to decide about the fitness. Their opinion will prevail over



W.P.(MD)No.14986 of 2023

the report of the Civil Surgeons. That apart, the fitness level of Central Armed Police Force (CAPF) personnel higher than that of any other regular Government employee. In such circumstances, the request of the petitioner for constitution of any other Medical Board would not be legally sustainable.

7.In view of the above said deliberations, there are no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2025

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



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R.VIJAYAKUMAR, J.

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