



W.P.(MD).No.29999 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29999 of 2024

and

W.M.P(MD) Nos.25272 and 25273 of 2024

S.Sabrishkanna

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Home Department,
Chennai.
2. The Tamil Nadu Uniformed Services
Recruitment Board,
Represented by its Chairman,
807, Second Floor,
Anna Salai, Chennai – 2.
3. The Chairman,
Regional Medical Board,
Government Rajaji Hospital,
Madurai – 20.
4. The Director,
Regional Institute of Ophthalmic and
Government Ophthalmic Hospital,
Egmore, Chennai – 600 008.



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5. The Director,
Fire and Rescue Services of Tamil Nadu,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai – 600 008.

... Respondents

(R5 is impleaded vide order of this Court
dated 24.01.2025 in W.M.P(MD) No.1050
of 2025 in W.P(MD) No.29999 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Certificate of Physical fitness report dated 23.11.2024 issued by the third respondent and quash the same so far as dating colour vision concerned and consequently directing the fourth respondent to re-conduct the Medical Examination in Regional Institute of Ophthalmic and Government Ophthalmic Hospital and Egmore, Chennai select the petitioner candidature, without reference to the above alleged defect, for the post of Sub-Inspector of Police in pursuance of the Joint Recruitment – 2023.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.D.Sasikumar
Additional Government Pleader



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ORDER

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The instant Writ Petition has been filed by an aspirant to the post of Station Officer, pursuant to Notification No.1 of 2022, dated 08.03.2022 published by the second respondent.

2. The petitioner after being selected to the post of Station Officer, was directed by the fifth respondent herein to appear for medical examination. After medical examination, the third respondent herein has found that the petitioner is having defective colour vision and found that the petitioner is not physically fit to the post of Station Officer. The petitioner has chosen to challenge the said medical report and sought for a direction to the fourth respondent to re-conduct the medical examination in the hospital of the fourth respondent.

3. According to the learned counsel appearing for the petitioner, the petitioner is ready to appear before the fourth respondent hospital for re-examination so as to establish that he is not having defective colour vision.



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4. Per contra, the learned Additional Advocate General appearing for the second respondent herein had contended that the impugned medical report was not served on the writ petitioner. He further questions the genuineness of the said medical report. He further contends that this Court cannot consider a medical report and arrive at a different finding for which this Court has no expertise.

5. The learned counsel appearing for the petitioner has contended that he would like to invoke Rule 5 -A of Tamil Nadu Fire Subordinate Service so that he could re-appear before the Medical Board so as to establish the fact that he is not having defective colour vision. However, the learned Additional Advocate General raised a doubt whether such Rule 5-A of Tamil Nadu Fire Subordinate Service is applicable to a Station Officer or not.

6. In view of the above said facts, the petitioner is directed to submit a representation to the fifth respondent herein within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the fifth respondent herein is directed to consider the same and pass orders on



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merits and in accordance with law, within a period of four weeks from the date of receipt of the application.

7. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

24.01.2025
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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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