

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 1356/2024

DIST. : LATUR

Taiyyab S/o Nawaj Sayyad,) Age: - 28 years, Occu: Education,) R/o At post Babalgoan,) Tq. & Dist. Latur.)..	APPLICANT
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V E R S U S

1. The State of Maharashtra,) Through its Secretary,) Home Department,) Maharashtra State, Mantralaya,) Mumbai - 32.)	
2. The Superintendent of Police,) Latur, Tq. & Dist. Latur.)	
3. The President Medical Board,) Vilasrao Deshmukh Government) Medical College & Hospital,) Latur, Tq & Dist. Latur.)	
4. The Civil Surgeon,) Civil Hospital, Latur,) Tq. & Dist. Latur.)..	RESPONDENTS

APPEARANCE :- Shri K.G. Salunke, learned counsel
for the applicant.

CORAM : Hon'ble Shri Justice V.K. Jadhav,
Member (J)
A N D
Hon'ble Shri Vinay Kargaonkar,
Member (A)

DATE : 21.11.2024

ORAL - ORDER

[per : Justice V.K. Jadhav, Member (J)]

1. Shri K.G. Salunke, learned counsel for the applicant.

2. We have heard the learned counsel for the applicant at length. We find no substance in this Original Application.

3. By filing this Original Application, the applicant is seeking quashing and setting aside the order dated 01.11.2024 issued by respondent no. 02, thereby cancelling the selection of the applicant solely on the ground that the applicant is facing medical defect i.e. 'Colour Vision Defect'. The applicant is also seeking directions to respondent no. 02 to refer the applicant to any other Medical Board except respondent no. 03 for his medical examination.

4. In response to the advertisement no. 01/2024 dated 01.03.2024 issued by respondent no. 02, the applicant has submitted his online application for the post of Police Constable from E.W.S. (Home Guard) category. Eventually, the applicant has gone through the written examination and physical test. The applicant has secured 119 marks from the said category. There were only 02 posts reserved for E.W.S. (Home Guard) category. Thereafter, the applicant and other candidates in the

provisional select list have been sent for their medical examination before the respondent no. 04 on 24.07.2024. The respondent no. 04 has issued a letter dated 26.07.2024 to respondent no. 02 stating therein that the applicant is facing medical defect that is 'Colour Vision Defect'. It is further stated in the said letter dated 26.07.2024 (Annexure A-7) that the applicant be sent to Sir J.J. Government Medical Hospital, Mumbai and obtain report.

5. It further appears that the respondent no. 02 has issued a letter dated 29.07.2024 (Annexure A-8) addressed to the Dean, J.J. Medical Hospital, Mumbai to verify the medical condition of the applicant. Thereafter, the applicant has also remained present before Sir J.J. Medical Hospital, Mumbai. However, the Medical Superintendent, J.J. Medical Hospital, Mumbai has informed to respondent no. 02 by issuing letter that the applicant be examined at Latur Government Medical College & Hospital. The applicant remained present before respondent no. 03 on 13.08.2024 and the respondent no. 03 has accordingly forwarded the report to the Medical Board, J.J. Hospital, Bhaikhala, Mumbai on 21.08.2024 for final decision. Further, the respondent no. 03 again on 04.10.2024 has forwarded the medical report of the applicant to respondent no.

02. The respondent no. 03 has also given the same findings that the applicant is suffering from colour blindness.

6. It is the main contention raised by the learned counsel for the applicant that at the initial stage the respondent no. 04 has given his medical report that the applicant is suffering colour blindness and further the respondent no. 04 himself in the capacity of the President of Medical Board of Vilasrao Deshmukh Government Medical College & Hospital, Latur has issued another medical certificate in the same manner. Thus, in all probabilities the respondent no. 04 is not likely to take any different stand when the applicant was referred to respondent no. 03.

7. Though, the learned counsel for the applicant has vehemently submitted that the respondent no. 04 has issued medical certificate at the behest of the employee, who is working under respondent no. 02 and whose brother-in-law is in wait list at sr. no. 01. Learned counsel for the applicant has no specific instructions from the applicant to elaborate this contention. We find no substance in it. There is no personal animus of respondent no. 04 with the applicant.

8. Sir J.J. Hospital, Mumbai has sent back the applicant with a remark that the Medical Board is in existence at Latur Government Medical College and as such, there is no need to examine the applicant at J.J. Hospital at Mumbai. Even there was no reason either for respondent no. 04 or respondent no. 03 to refer the applicant to J.J. Hospital, Mumbai. Under these circumstances, if respondent no. 03 has finally issued the medical certificate with the opinion that the applicant is suffering from colour blindness, there is no reason to refer the applicant again to J.J. Hospital, Mumbai. We find no substance in this Original Application. Hence, the following order:-

ORDER

- (i) The Original Application No. 1356/2024 is hereby dismissed summarily.
- (ii) In the circumstances, there shall be no order as to costs.
- (iii) The Original Application is accordingly disposed of.

MEMBER (A)

MEMBER (J)

Place : Aurangabad

Date : 21.11.2024