



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 29/07/2011

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

WEB COPY

W.P. (MD) No.8154 of 2011

M.Vasuki

... Petitioner

**Vs.**

1.The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.

2.The Commissioner of Police,  
The Commissionerate of Police, Madurai - 625 001.

3.The Principal Secretary to the Government,  
Home Department, Secretariat, Chennai - 600 009.

4.The Director Medical Examination,  
Kilpauk, Chennai.

5.The Chairman, Tamil Nadu Uniform Service,  
Recruitment Board, Member Board,  
Sub Committee, Madurai Centre.

... Respondents

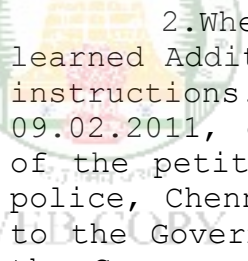
Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 1 to 3 to permit the petitioner to undergo the second Medical Examination to be conducted by the 4th respondent.

For petitioner .. Mr.A.Hafiza

For respondents .. Mr.T.S.Mohamed Mohideen,  
Additional Government Pleader

### ORDER

The petitioner, who is an aspirant for the post of Grade II Police Constable and passed all the tests, was found not qualified on the ground of partial defect in colour vision and accordingly, communicated, vide letter, dated 10.01.2011, of the Commissioner of Police, the Commissionerate of Police, Madurai. She had subjected herself, for examination in Chandrasekaran Eye Hospital at Madurai, and made a representation, dated 31.01.2011, enclosing a copy of the certificate issued by an Ophthalmic Surgeon, dated 27.01.2011, stating that his colour vision is normal and further requested the second respondent to subject the petitioner for second medical examination. As the said representation has been forwarded by the Commissioner of Madurai City in his proceeding in C.No.B1/5506/50/2011, dated 09.02.2011, to the Director General of Police, Chennai and alleging that there was no response, the petitioner has sought for a mandamus directing the respondents 1 to 3 herein to permit the petitioner to undergo second medical examination to be conducted by the Director of Medical Examination, Chennai.



2. When the matter came up on 22.07.2011, Mr. T.S. Mohamed Mohideen, learned Additional Government Pleader was put on notice and directed to get instructions. On this day, he submitted that pursuant to the letter, dated 09.02.2011, of the Commissioner of Police, Madurai forwarding the request of the petitioner along with the medical reports, the Director General of Police, Chennai, the first respondent herein in turn has forwarded the same to the Government for passing necessary orders. He further submitted that the Government, after scrutinising the same, would pass necessary orders, based on eligibility and in view of the subsequent events, prayed that sufficient time may be given to the third respondent viz., the Principal Secretary of the Government, Home Department, Chennai to pass necessary orders.

3. Heard the learned counsel for the parties and perused the materials available on record.

4. Mandamus sought for directing the respondents 1 to 3 to permit the petitioner to undergo second medical examination on the basis of the letter dated 09.02.2011 of the Commissioner of Police, Madurai City, Madurai, cannot be granted, at this juncture, having regard to the subsequent event of forwarding the representation to the Government and necessary orders have to be passed by the same. Therefore, this Court deems it fit to issue a direction to the Principal Secretary to the Government, Home Department, Chennai, the third respondent herein, to pass appropriate orders, within a period of one month from the date of receipt of a copy of this order, after considering the medical reports and eligibility, as to whether the petitioner has to be subjected to a second medical examination.

5. The writ petition is disposed of accordingly. No costs.

SD

ASST REGISTRAR ( CO )

/TRUE COPY/

SUB ASST REGISTRAR

gcg

To

1. The Director General of Police,  
Dr. Radhakrishnan Salai, Mylapore, Chennai - 600 004.
2. The Commissioner of Police,  
The Commissionerate of Police, Madurai - 625 001.
3. The Principal Secretary to the Government,  
Home Department, Secretariat, Chennai - 600 009.
4. The Director Medical Examination, Kilpauk, Chennai.
5. The Chairman, Tamil Nadu Uniform Service,  
Recruitment Board, Member Board, Sub Committee, Madurai Centre.

1CC TO MR. A. HAFIZA, ADVOCATE, SR: 25297:

1CC TO THE SPL. GOVT PLEADER SR: 25360: