

(V)

**CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH**

**Original Application No.2840/2003**

New Delhi, this the 9<sup>th</sup> day of November, 2004

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman**  
**Hon'ble Mr. S.K. Naik, Member (A)**

Shri Guruprasad B.L.  
S/o Sri Laxminarasimha Murthy  
Aged about 28 years  
R/o No.102 (Out house)  
Model House, 4<sup>th</sup> Street  
Basavanagudi  
Bangalore – 560 004. .... Applicant

**(By Advocate: Sh. Rajesh Mahale)**

**Versus**

1. Union of India  
Represented by its Secretary  
Ministry of Personnel, Public  
Grievances & Pension  
Department of Personnel and Training  
New Delhi.
2. Union Public Service Commission  
By its Secretary  
New Delhi.
3. Shri Amitendranath Sinha, IPS  
Aged major  
C/o Dr. Y.N.Sinha  
Dak, Bunglow Road  
Siwan  
Bihar – 841 226.
4. Union of India  
Ministry of Finance & Company Affairs  
Department of Revenue  
(Central Board of Direct Taxes)  
New Delhi. .... Respondents

**(By Advocate: None)**

**O R D E R**

**By Mr. Justice V.S. Aggarwal:**

Applicant (Guruprasad B.L.) was a candidate for Civil Services Examination conducted by Union Public Service Commission (in short 'UPSC') in the year 2002. He had secured

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57<sup>th</sup> rank. He has been allocated to Indian Revenue Service (in short 'IRS'). His grievance is that Respondent No.3 had secured 90<sup>th</sup> rank, he has been given Indian Police Service (in short 'IPS'). The applicant contends that since he was higher in rank, as per his choice, he should have been allocated to IPS.

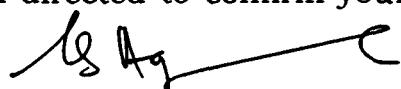
2. Some more facts in this regard would make the position clear. According to the applicant, the allocation of the successful candidates to different cadres and services were regulated by Rule 19 of the Examination Rules, which provides that due consideration will be given at the time of making allocation on the results of the examination. Having regard to the rank, preferences and eligibility, the applicant's plea is that he was entitled to be allocated to the Indian Police Service. He was sent for medical examination at Ram Manohar Lohia Hospital. He was declared unfit for Technical Services. He preferred an appeal and even submitted a certificate issued by Dr. Bhaskar Anand Kumar, Professor of Orthopedics, Kasturba Medical College and Hospital, Manipal.

3. On 20.8.2002, he had received a letter from Respondent No.1 stating that he has been allocated to Indian Revenue Service on the basis of his rank and merit. He finally received a letter of 23.10.2002 whereby he was allocated to Indian Revenue Service, which reads:

"Subject: Civil Services Examination, 2001 – Allocation of service to successful candidates – Joining Instruction for the Foundational Course regarding.

Madam/Sir,

In continuation of this Department's letter of even number dated 20-8-2002 on the subject mentioned above, I am directed to confirm your



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final allocation to **Indian Revenue Service** on the basis of Civil Services Examination, 2001.

2. The formal offer of appointment and schedule of your further training schedule will be sent to you by the Cadre Controlling Authority of the service to which you have been finally allocated on the basis of Civil Services (Main) Examination, 2001, namely, Ministry of Finance, Department of Revenue, Ad. VI Section, North Block, New Delhi."

4. The applicant had submitted a representation, which has been rejected. According to him, it is a case of arbitrary exercise of power. The alleged physical fitness does not come in the way of the applicant in discharging of his official duties. In any case it is a curable defect.

5. Notice on the applicant's application has been issued to the respondents. None appeared on behalf of Respondents No.1, 2 and 4. On 9.2.2004, a counsel had put in appearance on behalf of Respondent No.3. Later on, when the matter came up for hearing, there was no appearance on behalf of Respondent No.3 also. In this view of the matter, we did not have advantage of hearing any of the respondents or their counsel.

6. Learned counsel for the applicant urged that the applicant has been declared unfit for Technical Services because of 'SYNDACTYL with POLYDACTYL'. According to him, the same does not affect his work in the Technical Services like Indian Police Service and, therefore, basis for rejecting his claim cannot be sustained so as to allocate him to the Indian Police Service.

7. Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) had issued a notification on 15.12.2001. It contained the rules for a competitive examination, i.e., Civil Services Examination held by the Union



Public Service Commission in the year 2002. Under Rule 21, it has clearly been provided that a candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties as an officer of the service. The said Rule reads:

“21. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties as an officer of the service. A candidate who after such medical examination as Government or the appointing authority, as the case may be, may prescribe, is found not to satisfy these requirements will not be appointed. Any candidate called for the Personality Test by the Commission may be required to undergo Part I of the medical examination and the candidates who are declared finally successful on the basis of this examination, may be required to undergo Part II of the medical examination. The details of Parts I and II of the medical examination are given in the Appendix III to these Rules. No fee shall be payable to the Medical Board by the candidate for the medical examination except in the case of appeal.”

8. As already referred to above, when applicant was sent for medical examination, the Medical Board held him ‘unfit’ for Technical Services on account of ‘SYNDATYL with POLYDACTYL’.

9. Even under the Gazette Notification prescribing the medical standards, a person, who has passed the examination must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties as an officer of the service.

10. Further details also indicate that “When any defect is found it must be noted in the certificate and the Medical Examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required to the

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candidate." It also gives details as to what should be indicated in the Medical Board's report. The relevant portion reads:

"It should be understood that the question of fitness involves the future as well as present and that one of the main objects of medical examinations is to secure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension or payments in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service and the rejection of a candidate need not be advised on account of the presence of a defect which is only a small proposition of cases is found to interfere with continuous effective service."

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"In case where a Medical Board considers that a minor disability disqualifying a candidate for government service can be cured by treatment (medical or surgical) a statement to the effect should be recorded by the Medical Board. There is no objection to a candidate being informed of the Board's opinion to the effect by the Appointing Authority and when a cure has been affected it will open to the authority concerned to ask for another Medical Board."

11. Perusal of the same clearly show that when a person is declared medically unfit for Technical Services, reasons must be given that it is likely to interfere in discharge of his duties in that particular service. It can be brief. In the absence of any reasons, it would be difficult even for any other person to adjudicate as to how a particular defect that has been noticed, a person is unfit for Technical Services. In the present case, there are no reasons that are forthcoming. It has simply been stated that the applicant is 'unfit' for Technical Services on account of 'SYNDACTYL with POLYDACTYL'.

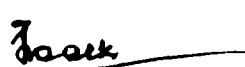
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12. When rights of the applicant were affected, it was proper and in the fitness of things that reasons in this regard must be forthcoming. More so, when applicant states that the above defects in any case are curable and in any case he is competent to discharge the functions of the Indian Police Service.

13. For these reasons, we dispose of the present application directing:

- a) The respondents should get re-examination of the applicant done and the concerned Medical Board must give brief reasons necessary to indicate, if the applicant is unfit for Technical Services.
- b) Further action can only be taken after the said examination is held.

No costs.

  
(S.K. Naik)

Member (A)

  
(V.S. Aggarwal)

Chairman

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