
(2025) 09 CHH CK 0441
In the Chhattisgarh High Court
Case No : WPS No. 6767 of 2016

Shree Deo Diwedi

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 02-09-2025

Acts Referred:

Citation : (2025) 09 CHH CK 0441

Hon'ble Judges : Sanjay Kumar Jaiswal, J

Bench : Single Bench

Advocate : Amrito Das, Rahul Tamaskar

Final Decision : Allowed

Judgement

Sanjay Kumar Jaiswal, J

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner has mainly prayed for issuance of writ quashing and setting aside the impugned certificate dated 05.12.2016 (Annexure P-1).

2. The facts pleaded in the petition are that the petitioner is a disabled person with hearing impairment, duly certified by the Medical Board of the State of Madhya Pradesh. He is an Ayurved Doctor holding BAMS degree, therefore, pursuant to the advertisement issued by the State Government through the PSC, he applied for selection to the Post of Ayurved Medical Officer, against such post reserved for differently abled persons under the disability quota. It has been submitted that subsequently, he participated in the selection process and was called for interview, however, he was surprised to see that, his name did not find place in the selection list. He challenged the action of the State authority by filing a writ petition (s) No. 97/2010 which was allowed by this Court. However, he was not permitted to join and was constrained to challenge the action of the respondents by filing W.P. No. 1249/2016. Eventually, the appointment order was issued to him on 14.09.2016 and pursuant to the said appointment order, he gave his joining and submitted the relevant documents, however, despite his

disability the State Authorities refused to accept his joining vide Annexure P-6 on the ground that he has not submitted the duly verified medical certificate issued by the State Medical Board of Chhattisgarh. The petitioner appeared before the State Medical Board and after conducting an observatory test by the ENT Specialist, the State Medical Board issued the Medical Certificate vide Annexure P-1 dated 05.12.2016 by which hearing capability of the petitioner has been found to be normal.

3. The petitioner has filed the instant writ petition on 08.12.2016 challenging the Disability Certificate issued by the Chhattisgarh State Medical Board, Raipur dated 05.12.2016 on the ground that he was examined by the Board with hostile attitude and the whole examination was carried with an intent to declare the petitioner unsuitable in the category he was selected. This Court by interim order dated 14.12.2016 directed that till the next date of hearing, no coercive steps shall be taken against the petitioner with regard to subject matter. On 10.10.2017, this Court has further directed the petitioner to submit an application of his examination by the Medical Board of All India Institute of Medical Science (AIIMS) at New Delhi and submit the certificate. In compliance with the order dated 10.10.2017, the petitioner informed to this Court that a letter has been issued to him by the Administrative Officer of the AIIMS, Delhi, to seek appointment and get examination done.

4. Learned counsel for the petitioner submits that in this petition, the petitioner is challenging the disability certificate issued by the State Medical Board, Raipur dated 05.12.2016 (Annexure P-1) which merely shows that hearing capability of petitioner is normal, meaning thereby the petitioner was not found suffering from any hearing impairment. He submits that earlier at the time of appointment, the petitioner submitted the report of the District Medical Board of Satna (M.P), in which, the petitioner was found suffering from hearing impairment to the extent of 80%. In support of his contention, he referred to certificates Annexure P-2 dated 27.06.2008 and Annexure P-3 dated 13.08.2010 to contend that the petitioner was initially issued the disability certificates (hearing impairment) by the District Medical Board, Satna, Madhya Pradesh having 80% hearing impairment which is subject to reassessment after 3 years. Therefore, in order to avoid the perplexity, this Court on 10.10.2017 directed the petitioner to submit an application for his examination by the Medical Board of All India Institute of Medical Science at New Delhi and submit the certificate. Accordingly, the petitioner was examined by the Medical Board at AIIMS Delhi on 06.02.2018 and the Medical report of the AIIMS found the following impairment of the petitioner (i) right side mild sensorineural hearing loss; (ii) left side profound sensorineural hearing loss. On the basis of this hearing status, the Board has opined that the petitioner's binaural disability of hearing is 37%.

5. Learned State Counsel submits that as per the Certificates issued by the District Medical Board, Satna (M.P), right from beginning the petitioner has claimed for 80% hearing disability, but the Chhattisgarh State Medical Board

after examination has found that the hearing capability of the petitioner is normal. He further submits that even as per the subsequent Report of the Medical Board constituted at AIIMS shows that the petitioner's binaural disability of hearing is only 37%.

6. I have heard learned counsel for the parties and also perused the material available on record.

7. As per the initial certificate Annexure P-2 dated 27.06.2008 issued by the District Medical Board, Satna (M.P), the petitioner was found to be suffering from 80% hearing impairment/disability. The Chhattisgarh State Medical Board, Raipur, vide Annexure P-1 dated 05.12.2016 found the hearing ability of the petitioner to be normal. However, pursuant to the order of this Court dated 10.10.2017, the petitioner was examined at AIIMS, Delhi and as per the report of the Medical Board of AIIMS, Delhi Annexure P-36 dated 06.02.2018, the binaural hearing disability of the petitioner was found to be 37%. It is also of the opinion that with continued treatment, the percentage of hearing disability of the petitioner would go down to a lower level. Earlier the hearing disability was 80% in 2008, now it has become 37% in 2018. Meanwhile, 0% hearing disability i.e., normal as found by Chhattisgarh State Medical Board in 2016 cannot be termed as acceptable. Therefore, 37% of binaural disability of hearing as found by the Medical Board of AIIMS, Delhi is accepted.

8. In view of the above discussion, the petition is allowed and the the impugned Certificate issued by Chhattisgarh State Medical Board vide Annexure P-1 dated 05.12.2016 by which the hearing capability the petitioner has been declared normal is hereby quashed. In the result, the petition is allowed. No order as to costs.