



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.07.2024

Pronounced on : 30.10.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.27278 of 2021 and 4682 of 2022

and

W.M.P.Nos.28791, 28793 to 28795 of 2021 and 4801 and 4804 of 2022

W.P.No.27278 of 2021

Arthi

... Petitioner

Vs.

1. The Chairman, Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 8.

2. The Chair Person/ Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 8.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned order passed by him in C.No. R2 / 860 / 2019 dated 19.10.2020 and confirmed by the 2nd respondent in his endorsement in C. No. L1 / 7355 / 2020 dated 15.11.2021 and quash the same and award marks for two stars to the petitioner in the running event of 100 Meters and further direct the respondents to call the petitioner certificate verification and viva-voce for appointment to the post of Sub Inspector for the year 2019 and grant such other further relief as this Honourable Court may deem fit in the circumstance of the case.



W.P.No.4682 of 2022

V.Priyadharshini

... Petitioner

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Vs.

1. The Chairman, Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 8.

2. The Chair Person/ Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 8.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in the impugned order passed by him in C No. L1 / 7355 / 2020 dated 15.11.2021 confirming the disqualification made by him in C No. R2 / 860 / 2019 dated 19.10.2020 and quash the same and award marks for one stars to the petitioner in the running event of 100 Meters and further direct the respondents to call the petitioner certificate verification and viva voce for appointment to the post of sub inspector for the year 2019 and grant such other further relief as this Hon'ble court.

In Both Writ Petitions

For Petitioner : Mr.K.Venkataramani,
Senior Counsel for Mr.M.Muthappan
(in W.P.No.27278 of 2021)

For Petitioner : Ms.Rayeesa Fathima,
Senior Counsel for Mr.M.Muthappan
(in W.P.No.4682 of 2022)

For Respondents : Mr.P.Kumaresan,
Additional Advocate General
assisted by Ms.D.Soumi Dattan



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COMMON ORDER

The issue that arise for consideration in both the writ petitions are one and the same. As such, both the matters were heard together and are being disposed of by this common order.

2. This is the second round of litigation. On an earlier occasion, the petitioners approached this Court by filing W.P.Nos.16867 and 17428 of 2020. It is pursuant to the common order dated 03.08.2021 passed in the abovesaid writ petitions, the respondents passed orders dated 15.11.2021 and it is aggrieved by the said orders dated 15.11.2021, the petitioners once again approached this Court by filing the present writ petitions.

3. The brief facts that are relevant for disposal of these writ petitions are as under:-

3.1. The petitioners herein participated in the recruitment process, pursuant to the Notification for the post of Police (Taluk, Armed Reserve and Tamil Nadu Special Police), 2019 with Enrollment Nos.5110877 and 5610593. The said selection process consists of written examination, physical measurement test, physical endurance test, physical efficiency test and certificate verification. The petitioners have succeeded in the written



examination and physical measurement test. However, in physical efficiency test viz., 100 meters run, the petitioners were disqualified on the ground that, they have failed to complete the 100 meters run within 17.50 seconds and hence, the petitioners have approached this Court on an earlier occasion by filing W.P.Nos.16867 and 17428 of 2020 and this Court by a common order dated 03.08.2021, disposed of the said writ petitions. The operative portion of the said order reads as under:-

“4. The submissions of the petitioners that there was some irregularity in the manner in which the time was calculated appears to be reasonable based on the averments in the affidavit. The video footage of the race is available with the Respondents. Considering the grievance of the petitioners that this is the last opportunity for them be appointed as Sub Inspector as they would get age barred, this Court is of the view that an appropriate relief can be given to the petitioners by directing the Inspector General of Police (Uniformed Services Recruitment Board) to constitute a special committee along with one technically qualified officer from the Tamil Nadu Sports Development Authority to review the video footage in the presence of respective petitioners and give a final report to the respondents. Based on the above said final report, the final decision will be taken by the Respondents as to whether the petitioners qualified in the qualifying physical endurance test or not. The said exercise shall be carried out by the respondents within a period of 15 days from the date of receipt of a copy of this order. The Respondents are directed to inform the petitioner as to the date of the viewing of the video footage for giving the report. It is made



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clear that in case the petitioners qualify in the physical endurance test, the respondents shall direct the petitioners to report for the next stage of recruitment.”

It is pursuant to the above order, the respondents claimed to have constituted a Special Committee for the purpose of assessing the performance of the petitioners by viewing the videograph that was taken at the time of conducting the running test and accordingly, basing upon the report said to have been submitted by the said committee, the impugned orders dated 15.11.2021 came to be passed, concluding that the petitioners have completed the 100 meters running in 17.71 seconds and 18.31 seconds respectively and therefore, they are not qualified to participate in the further recruitment process. It is aggrieved by the said endorsement dated 15.11.2021, the petitioners approached this Court once again by filing the present writ petitions.

4. The respondents filed a counter-affidavit reiterating their contentions.

5. This Court, after having heard Mr.K.Venkatramani, learned counsel for the petitioners and Mr.P.Kumaresan, learned Additional Advocate General, called for certain records to be produced and accordingly, a copy of the Special Committee report and the videograph taken at the time of conducting the running test of the petitioners is also placed before this Court.



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6. This Court has viewed the videograph in the open court in the presence of both the counsels and thereafter also.

7. The purpose of this Court disposing of the previous writ petitions by an order dated 03.08.2021 is only with a view to ensure that the performance of the petitioners herein in the 100 meters running test is evaluated properly and correctly. That is how this Court directed a Special Committee to be constituted. Accordingly, a Special Committee was constituted and the Committee viewed the performance of the petitioners in the videograph and claimed to have submitted a report, dated 23.08.2021, concluding that the petitioners herein have completed the running test within 17.71 seconds and 18.31 seconds respectively.

8. This Court has carefully gone through the report, dated 23.08.2021 of the said committee. The findings recorded by the said committee reads as under:-

“Findings:

1. On reviewing the video footage this committee found that all of the 5 petitioners had not completed the



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100 meters running event withing the stipulated time of 17.50 seconds for qualifying the same but had completed the event as stated in the table below. Hence, their disqualification is in accordance with the established norms.

<i>Sl.No</i>	<i>Name of the Petitioner</i>	<i>W.P.No.</i>	<i>Enrollment No.</i>	<i>Finish Time</i>
1.	M.Arthi	16867/2020	5110877	17.71 seconds
2.	V.Priyadharshini	17428/2020	5610593	18.31 seconds
3.	M.Meenakshi	17430/2020	5610605	18.58 seconds
4.	V.Nivetha	19385/2020	5610295	17.68 seconds
5.	T.Revathi	19388/2020	5610651	17.69 seconds

From the above, it is evident that except the above finding, there is nothing in the report to indicate as to the method that was followed by the said Special Committee for the purpose of evaluating the performance of the petitioners. However, the Committee proceeded to state the procedure that was followed at the time of actually conducting the test on 19.10.2020, which is not the matter to be addressed by the Committee at all. It is also conspicuously absent, as to what method the Special Committee has followed for the purpose of assessing the performance of the petitioners.

9. As seen from the videograph placed before this Court, both the



petitioners appears to have completed the running test within 17 seconds. It is not understood as to on what basis, the Special Committee has concluded that the petitioners have failed to complete the running test within 17.50 seconds. If Five Member Committee is to simply watch the videograph and state that the petitioners have not completed the running test or to specify the timings, without there being any basis for such assessment, the very purpose of constituting a Special Committee is defeated.

10. When this Court is able to view the videograph and *prima facie* ascertain that the petitioners have completed the running test within 17 seconds, this Court is unable to appreciate the manner in which the Special Committee evaluated the the performance of the petitioners. In all fairness, the Special Committee ought to have used a stopwatch in the presence of the petitioners as well as their counsel and thereby assessed the performance of the petitioners. But, there appears to be no such procedure that was followed nor any standard measurement is utilized for the purpose of assessing the performance of the petitioners. In the absence of any standard and transparent procedure that was adopted by the Special Committee, the very purpose of constituting the Special Committee and the purpose of this Court passing an order on 03.08.2021 is lost. Both the impugned orders were passed basing upon the report said to have been



submitted by the Special Committee dated 23.08.2021 and this Court totally dissatisfied with the report submitted by the Special Committee as well as the manner in which the performance of the petitioners was assessed by the committee.

11. In the circumstances, this Court is of the considered view that both the impugned orders are liable to be set aside for want of proper application of mind and fairness in assessing the performance of the petitioners, who are aspiring for being appointed to the post of 'Sub-Inspector of Police'.

12. Though, this Court is able to ascertain *prima facie* came to the conclusion that the petitioners have completed the running test within 17 seconds, this Court is not inclined to substitute its view to that of the Special Committee. However, this Court, having found that the report of the Special Committee and the procedure that was followed by the Special Committee in the manner of assessing the performance of the petitioners, is not inclined to acknowledge and accept the said report as well. Under the above circumstances, this Court is of the considered view that, it is necessary that the matter should be referred to an independent agency to assess the performance of the petitioners.



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13. Accordingly, both the impugned orders bearing C.No.L1/7355/2020 dated 15.11.2021 are hereby set aside with further directions as under:-

(i) The respondents are directed to forward the original video recording of the running test performed by the petitioners to the Director, Department of Physical Education & Sports, University of Madras, Bharathiyar Campus, No.85/86, Spurtank Road, Chetpet, Chennai – 600 031, within a period of two weeks from the date of receipt of a copy of this order and in turn, Director, Physical Education is requested to examine the matter by himself or by placing before appropriate authority for the purpose of assessing the performance of the petitioners i.e., the time within which the petitioners have completed the 100 meters running test, and submit a report to the respondents within a further period of two weeks;

(ii) On receipt of the said report, the respondents shall act upon the same. In case, if the petitioners are found to have completed the running test within 17.50 seconds, the respondents shall consider the



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case of the petitioners for further recruitment process and thereafter, pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of the report.

14. Accordingly, the writ petitions are allowed as indicated above. No costs. Consequently, the connected miscellaneous petitions, if any, shall stand closed.

30.10.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Chairman, Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore, Chennai – 8.
2. The Chair Person/ Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore, Chennai – 8.
3. The Director, Department of Physical Education & Sports,
University of Madras, Bharathiyar Campus,
No.85/86, Spurtank Road, Chetpet, Chennai – 600 031.



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W.P.Nos.27278 of 2021 and 4682



MUMMINENI SUDHEER KUMAR, J.

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Pre-Delivery Order made in
W.P.No.27278 of 2021 and 4682 of 2022

30.10.2024