

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.25882 of 2015

and

M.P.Nos.1 and 2 of 2015

N.Venkatasaravanan

.. Petitioner

-VS-

- 1.The Member Secretary,,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore,
Chennai-600 008.
 - 2.The Chairman,
Sub-Committee Tamil Nadu,
Uniformed Services Recruitment Board (Chennai Range),
Egmore,
Chennai-600 008.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned disqualification slip issued by the 2nd respondent in c.No.R2/315/2015, dated 04.08.2015 to the petitioner and quash the same and direct the respondents to permit the petitioner to participate in further tests prescribed for candidates under departmental quota for the recruitment to the post of Sub Inspector of Police (Taluk).

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mr.P.H.Arvinth Pandian
Addl. Advocate General
assisted by
Mr.STS.Moorthy, Govt. Pleader

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner is a candidate for selection in the recruitment process for the post of Sub Inspector of Police, for which notification was issued on 08.02.2015. The petitioner is an in-service candidate, who appeared for the written test. In the Physical Endurance Test, he did not qualify.

2. The case of the petitioner is that the Physical Endurance Test is only a pre-requisite to the Physical Efficiency Test, which the petitioner as an in-service candidate is not required to undergo and failure in the Physical Endurance Test cannot be fatal to the petitioner.

3. In respect to the aforesaid, sub-clause (vi) of paragraph 6 of Section I of the notification reads as under:-

"vi. Departmental Quota candidates are exempted from Physical Measurement Test and Physical Efficiency Test. However, they are required to attend the Certificate Verification and Endurance Test."

4. The aforesaid, thus, shows that there is exemption of departmental candidates from Physical Measurement Test and Physical

Efficiency Test alone. The last sentence of the aforesaid sub-clause (vi) makes it clear that they are required to attend "the Certificate verification and Endurance Test". Thus, the Physical Endurance Test is mandatory.

5. The learned counsel for the petitioner has referred to certain clauses in Section II of the notification dealing with the stages of recruitment, which reads as under:-

"1.STAGES OF THE RECRUITMENT

- iv. The candidates who qualify in Physical Measurement Test alone will be allowed to attend Endurance Test.*
- v. The candidates who qualify in Endurance Test alone will be allowed to attend Physical Efficiency Test."*

6. The learned counsel for the petitioner seeks to read the aforesaid as if clause (v) provides for qualifying the Physical Endurance Test only as a pre-requisite to the Physical Efficiency Test.

7. We are unable to read the same in the manner the learned counsel for the petitioner seeks to do so. As part of Section II, paragraph 4(C) prescribes for Physical Endurance Test, which reads as under:-

"C.ENDURANCE TEST

Endurance Test comprises of following events.

i. Open quota and 20% Departmental

Quota Candidates:-

a. Men:- 1500 metres run within 7 minutes

b. Women:- 400 metres run within 2 minutes 30 seconds

ii. Ex-servicemen and Ex-personnel of Central Paramilitary Forces Candidates:-

1500 metres run within 8 minutes

iii. Only the candidates who qualify in the Endurance Test will be allowed to appear in Physical Efficiency Test."

8. Reading of the aforesaid clauses, more particularly, Section I, paragraph 6(vi) leaves no more of doubt that Physical Endurance Test is mandatory and thus, unless the candidate clears the Physical Endurance Test whether he is in-service candidate or fresh recruit, the candidate would be ineligible to go to the next stage of viva-voce.

9. The petitioner having failed to clear the Physical Endurance Test is not entitled to any relief.

10. The writ petition is dismissed. No costs. Consequently,
M.P.Nos.1 and 2 of 2015 are closed.

(S.K.K., CJ.) (T.S.S., J.)
07.09.2015

Index : Yes/No
Internet : Yes/No
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To

- 1.The Member Secretary,,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore,
Chennai-600 008.
- 2.The Chairman,
Sub-Committee Tamil Nadu,
Uniformed Services Recruitment Board (Chennai Range),
Egmore,
Chennai-600 008.

The Hon'ble Chief Justice
and
T.S.Sivagnanam, J.

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