

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No. 24750 of 2015
and M.P. No. 1 of 2015

B. Arun

.. Petitioner

vs.

1. The Chairman
Tamilnadu Uniformed Services
Recruitment Board
Pantheon Road, Egmore,
Chennai-8.

2. The Chairman
Recruitment Sub-Committee
Tamilnadu Uniformed Services
Recruitment Board
Egmore, Chennai 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent dated 03.08.2015 made in C.No.R2/315/2015 (Enrollment No.1121790), quash the same as illegal and consequently direct the respondents to conduct physical measurement test (Chest) to the Petitioner afresh by a qualified Physical Director and allow the petitioner to participate in other tests of selection process for appointment for the post of Sub inspector of Police (taluk) for the year 2015.

For Petitioner : Mr. N. Vanaraj

For Respondents : Mr. P.H. Aravind Pandian
Additional Advocate General
assisted by Mr. S.T.S. Murthi,
Govt. Pleader and
Mr. V.R. Kamalanathan
Addl. Govt. Pleader.

O R D E R
(Made by The Hon'ble The Chief Justice)

The present petition was taken up yesterday for hearing on account of the grievance made by the petitioner that in the process of recruitment as Sub Inspector in pursuance to the Notification published on 08.02.2015, the petitioner had cleared the written test, but during the physical endurance test, while measurements were made, he failed to meet the requirements of a difference of 5 cm. between the normal chest size and the expanded chest, as the respective measurements were 90 and 93 cm.

2. Learned Additional Advocate General, however, pointed out by producing the records that the candidate had accepted the measurements and signed the same.

3. We had noted on the last date that unfortunately this fact had not been disclosed in the petition and on account of non-disclosure, we were inclined to dismiss the petition. It was not as if after having disclosed this fact, the petitioner had given an explanation in the writ petition as to why he signed the sheet. No oral excuse was acceptable in this behalf. This non-disclosure, to our mind, was fatal.

4. We may note that the second limb of the submission of the learned counsel for the petitioner was based on the placement of the tape, through which electronic measurement took place.

5. The petitioner came forward with this petition so as to claim that he had actually given all the information to the counsel and was not aware as to why it had not been set out in the petition. He claimed that his normal chest size was 83 cm. as set out in the petition and that there could not be a difference of 7 cm. from the normal chest size and thus, the measurement taken did not tally with the actual measurement.

6. This plea and the other aspects in the petition persuaded us to have a re-measurement done by the respondents in the morning today in the Office of the Registrar (Vigilance). In fact, yesterday we had taken up all the cases, setting out the facts in each case and since there were only six such cases, we decided to get re-measurement done in six cases and then to hear the merits of each case today.

7. The fresh measurement results have been produced before us and once again the plea advanced on behalf of the petitioner is falsified. The normal measurement of the petitioner has been found to be 88.5 cm., which is in proximity to the measurement of 90 cm. taken on 03.08.2015. It is not 83 cm., as claimed by the petitioner, which was the very premise, which persuaded us to carry out the re-

measurement. The petitioner has obviously mislead us. Otherwise, there was no need to have carried out the exercise of re-measurement, as this Court does not sit as an appellate authority to measure physical parameters.

8. We would have imposed exemplary costs on the petitioner, but refrain from doing so because of the economic strata from which the petitioner hails.

9. The writ petition accordingly stands dismissed, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ATR

Copies to;

1. The Chairman
Tamilnadu Uniformed Services Recruitment Board
Pantheon Road, Egmore, Chennai-8.
2. The Chairman
Recruitment Sub-Committee
Tamilnadu Uniformed Services Recruitment Board
Egmore, Chennai 600 008.

+ 1 cc to Mr.N. Vanraj, Advocate SR.49892

W.P. No. 24750 of 2015

TS(CO)
EU 29.09.15

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