

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. 28451 of 2015
and M.P. No. 1 of 2015

K. Prabakaran .. Petitioner

vs.

1. The Chairman
T.N. Uniformed Services Recruitment Board
Pantheon Road, Egmore, Chennai-8.
2. The Chairman
Recruitment Sub-Committee
Madurai Centre, Madurai. .. 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 in connection with the impugned order passed in C.No.R2/315/2015 dated 03.08.2015, quash the same and direct the respondents to send the petitioner for physical measurement test and further direct the respondents to send the petitioner for subsequent stages of selection.

For Petitioner : Mr. P. Venkatraman
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.

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O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner in this case, while seeking appointment to the post of Sub Inspector in pursuance to the Notification dated 08.02.2015, went through the written test and qualified to be able to participate in the physical endurance test. One of the norms was of height. In the physical endurance test, which was carried out on

03.08.2015, the normal chest size was 89.7 cm. and the expanded chest size was 92.2 cm. and thus, the differential figure of 5 cm., as required was not met. The petitioner assails the measurements.

2. This Court cannot sit as a Court of appeal over the measurements taken. However, as there were only a limited number of such petitions filed before us and the fact that in Writ Petition No.24750 of 2015, the claim of the petitioner was that his normal chest measurement was 83 cm., while in the physical endurance test, it was recorded as 90 cm., the measurement taken was stated to be obviously incorrect, we were persuaded to get the measurements done through the process of the qualified personnel of the respondents before the Registrar (Vigilance) in the morning today. The allegation in Writ Petition No. 24750 of 2015 were found to be baseless.

3. The result of the fresh measurements in the present case is that the normal chest measurement is 88.5 cm, while the expanded chest measurement is 93.5 cm.

4. Learned Additional Advocate General states that since more than a month has expired, through physical exercise, it is possible to improve the numbers and there is no reason to suspect the measurements carried out during the process of selection and the measurements were even video graphed.

5. We find that the difference in measurements in normal chest between 88.5 and 89.7 is not such in value that it can be said to be extraordinary, causing any doubt on the measurements carried out on that date.

6. In view of the aforesaid, we are not inclined to exercise jurisdiction under Article 226 of the Constitution of India in favour of the petitioner.

7. The writ petition accordingly stands dismissed. No costs. Consequently, M.P. No.1 of 2015 is also dismissed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ATR

Copies to;

1. The Chairman
T.N. Uniformed Services Recruitment Board
Pantheon Road, Egmore, Chennai-8.
2. The Chairman
Recruitment Sub-Committee
Madurai Centre, Madurai.

+1 cc to Mr.S.Sivakumar, Advocate, sr.49511
+1 cc to Government Pleader, sr.49658

W.P. No. 28451 of 2015

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