

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM:

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

Writ Petition No. 29314 of 2015
and
M.P.Nos.1 and 2 of 2015

R. Prabakar

...Petitioner

vs.

The Tamilnadu Uniformed Services
Recruitment Board
rep. by its Member Secretary
No.807, 2nd Floor,
Annasalai Chennai-2.

...Respondent

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 pertaining to impugned results, published in the respondents website dated 21.8.2015 of Physical Endurance Test in the recruitment process initiated by the Notification No.1/15 dated 08.02.2015 of the respondent, quash the same and consequently direct the respondent to participate the petitioner in the further recruitment process.

For Petitioner : Mr. C. Sivakumar

For Respondent : Mr. P.H. Aravind Pandian
Addl. Advocate General
assisted by 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 participated in the recruitment process of Sub Inspectors, cleared the written test and claims to have cleared the physical endurance test, but has not been called for viva-voce.

2. Learned Additional Advocate General states that the very premise on which the petitioner has approached the Court is incorrect and that the petitioner failed to qualify the endurance test. He has also stated that the petitioner very well knew about this fact and has produced before us, the Disqualification Slip dated 04.08.2015, stating that the petitioner has not completed the physical endurance test, duly received by the petitioner.

3. In our view, the petitioner was required to disclose this fact, but concealed this crucial fact.

4. Learned counsel for the petitioner faced with this situation now states that the timing should have been made known to the petitioner, grievance which the petitioner never made earlier.

5. Learned Additional Advocate General has produced before us the Endurance Test result which shows that in the case of R.Prabakar, the timing is not noted, as he did not even complete the race.

6. We see no reason to exercise jurisdiction under Article 226 of the Constitution of India, more specifically when the petitioner has approached this Court on concealment of a material fact.

7. The writ petition accordingly stands dismissed. No costs. Consequently, M.P. Nos. 1 and 2 of 2015 are also dismissed.

Sd/- सतयमेव जयते
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ATR

Copies to

The Member Secretary
Tamilnadu Uniformed Services Recruitment Board
No.807, 2nd Floor,
Annasalai Chennai-2.

1 CC to the Government Pleader, SR.No. 50786

W.P. No. 29314 of 2015

SR (CO)
PSI (30.09.2015)



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