

In the High Court of Judicature at Madras

Dated: 25.09.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No. 30002 of 2015

T. Sivatamilselvi

.. Petitioner

vs.

1. The Secretary to Government
Home (Police) Department
Fort St. George, Chennai-600009.

2. The Chairman/Director General of Police
Tamilnadu Uniformed Services
Recruitment Board
Anna Salai, Chennai-600002.

3. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai-600004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writs of Mandamus, directing the respondents to grant relaxation/exemption to the petitioner in respect of physical efficiency test as per the Government Order in G.O.(Ms) No.626 dated 23.7.2003 and G.O.(Ms) No.270 dated 1.4.2009 and select and appoint the petitioner as Sub Inspector of Police.

For Petitioner : Mr. S. Sivakumar
For Respondents : Mr. P.H. Aravind Pandian
Addl. Advocate General
assisted by Mr. S.T.S. Murthi
Government Pleader
and Mr. V. Shanmugasundar
Government Advocate.

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner seeks for a direction to the respondents to grant relaxation/exemption to her in respect of the physical efficiency test in terms of the Government Orders in G.O.(Ms) No.626 dated 23.7.2003 and G.O.(Ms) No.270 dated 01.04.2009 and select and appoint her as Sub Inspector of Police.

2. The petitioner stated that she is a graduate hailing from poor background and she is a sportswoman and has won gold and silver medals in weight lifting and boxing. The petitioner applied for selection to the post of Sub Inspector of Police and appeared for the written examination held on 23.05.2015. The petitioner would state that she is entitled to be considered under the sports quota, as she has got credentials to support her stand that she is a sportswoman. Since the petitioner was not considered under the sports quota, the petitioner filed Writ Petition No.22654 of 2015. By order dated 31.07.2015, the Writ Court directed the petitioner to participate in the next stage of selection i.e. certificate verification for endurance test. The petitioner appeared for the certificate verification and was directed to participate in the endurance test. However, she was disqualified in the long jump event. The petitioner would now state that as she is an eminent sportswoman, she is entitled for relaxation of certain norms by virtue of G.O.No.626, dated 23.07.2003.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.

4. Admittedly, the petitioner participated in the selection for the post of Sub Inspector pursuant to the Notification No.1 of 2015 dated 08.02.2015. The Notification prescribed the method and mode of selection for the said post. Therefore, the petitioner is bound by all conditions contained in the Notification. Among several conditions, the condition relating to physical efficiency test as stipulated in Clause 4-D would be relevant for the instant case. Under the said Clause, all women candidates will have to participate in all the events. Two chances will be given for the events of long jump, shot-put throw/cricket ball throw and the highest score of the two chances will be considered for qualification. Further, it is stated that only one chance will be given to the candidates in 100 meters / 200 metres run. Candidates should get minimum one star in each event, failing which they will be disqualified at the same stage.

5. Admittedly, the petitioner did not qualify in the long jump event and she did not secure the minimum one star requirement. In such circumstances, the petitioner cannot seek to contend that she is entitled for an exemption of these qualifications, when the Notification dated 08.02.2015 under which the petitioner participated

in the selection process does not provide for any such exemption.

6. In this connection, learned Additional Advocate General has drawn our attention to the norms applicable, where while dealing with women candidates, prescription was made as to the extent required to be cleared for different events and the Note to that, made it clear that the candidates should get one star in each event, failing which they would be disqualified at the same stage. Once the petitioner fails to clear the long jump event unfortunately, the petitioner cannot go to the next stage, despite the petitioner claiming proficiency in sports.

7. On the issue of relaxation as pleaded by the learned counsel for the petitioner, learned Additional Advocate General states that as per the norms, this relaxation is not permissible. Even as per the discretion, the candidates not getting minimum one star would be disqualified at that stage itself.

8. In view of the aforesaid facts, we are unable to grant any relief. Accordingly, the writ petition is dismissed. No costs. Consequently, M.P. No. 1 of 2015 is also dismissed.

-s/d-

Assistant Registrar(CIII)
dt:29/09/2015

True Copy

Sub-Assistant Registrar

Copies to;

1. The Secretary to Government
Home (Police) Department
Fort St. George, Chennai-600009.
2. The Chairman/Director General of Police
Tamilnadu Uniformed Services
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Anna Salai, Chennai-600002.
3. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai-600004.

+1 cc to M/S.Sivakumar, Advocate sr.52278
+1 cc to the Government Pleader sr.52268

W.P. No. 30002 of 2015

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