

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM

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

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30265 of 2015

Manimegalai

.. Petitioner

-vs-

The Chairman, Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore,
Madras-8.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records in C.No.R2/315/2015 dated 05.08.2015 on the file of the respondent and quash the same illegal, incompetent, and without justification.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Mr.P.H.Arvinth Pandian
Addl. Advocate General
assisted by
Mr.STS.Moorthy
Government Pleader
Mr.V.R.Kamalanathan
Addl. Government Pleader

ORDER

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

The petitioner sought recruitment in pursuance to the notification dated 08.02.2015 as Sub Inspector, but was denied the opportunity on account of his sports certificate not being uploaded properly. The petitioner approached this Court in W.P.No.23722 of 2015 and interim orders were passed in favour of the petitioner on 05.8.2015 for her participation in the physical endurance test, she having obtained the requisite marks in the written examination.

2. The order came to be passed in the afternoon of 05.8.2015, which was the last date for the physical endurance test. The petitioner rushed to the Centre and four tests were carried out one after the other between 4.39 P.M. and 5.23 P.M. She qualified in 3 out of 4 events, but in the 200 metres qualifying event, she had a timing of 39.31 seconds, instead of 38.00 seconds.

3. The plea raised in the present petition is of discrimination and unfair treatment in as much as the petitioner cannot be called upon to perform the tests one after the other, something which has happened with no other candidate, merely to complete the physical endurance test as a formality because that was the last date for holding tests.

4. We are in agreement with the plea advanced by the learned counsel for the petitioner that the petitioner is entitled to indulgence in the present case on account of having qualified 3 out of 4 events and not achieving the timing in the fourth test by 1.31 seconds only on account of the fact that without giving her any rest in between, she was made to undergo all the tests in a total of 44 minutes. The respondent ought to have given a reasonable time break and the tests could have gone on a little longer.

5. It is not possible now to have a re-test and thus, we hold that the petitioner is eligible for declaration of her result depending on her merit.

6. The petition is accordingly allowed, leaving the parties to bear their own costs.

sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

bbr

To

The Chairman, Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore,
Madras-8.

+2 CC to MR.V.Raghavachari Advocate. SR.NO. 60527
+1 CC to Govt.Pleader. SR.NO. 61178

W.P.No.30265 of 2015

CO-EV

JD 20/11/2015