

In the High Court of Judicature at Madras

Dated: 15.10.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition Nos. 33079 to 33084 of 2015
and M.P. No. 1 of 2015

IN

WP.NO.33079 to 33081/2015

and

MP.Nos.1 & 2 of 2015

IN

WP.Nos.33082 to 33084 of 2015

1.S. Naga Jothi ... Petitioner in W.P. Nos.
33079 & 33082 of 2015

2.G. Parameswari ... Petitioner in W.P. Nos.
33080 & 33084 of 2015

3.S. Vengateswari ... Petitioner in W.P. Nos.
33081 & 33083 of 2015

vs.

1. The Secretary to Government
Home (Police II) Dept.
Fort St. George, Chennai-9.

2. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai-4.

3. The Member Secretary
T.N. Uniformed Services Recruitment Board
Egmore, Chennai-8. ... Respondents in all
Writ Petitions.

PRAYER: Writ Petition Nos. 33079 to 33081 of 2015 filed under Article 226 of the Constitution of India praying to issue Writs of Declaration, declaring the amendment issued to the Special Rules for Tamil Nadu Police Subordinate Service issued in G.O.Ms.No.841, Home (Pol.III) Department, dated 19.11.2014 and the consequential amendments issued to the Rule in G.O. Ms.No.998, Home (Police-IV) Department, dated 27.12.2014 in respect of women candidates, making modification in the

selection criteria for women candidates appearing for recruitment to the post of Sub Inspector of Police by amending the Annexure II under Clause 1 in Column (3) for women candidates for appearing in the Physical Efficiency Test and the consequential Notification No.1/2015 dated 08.02.2015 issued by the 3rd respondent insofar as Sec.II Clause 4 Sub Clause D(b) under heading "Women" Note IV, wherein it is stated that the candidates should get minimum one star in each event, failing which they will be disqualified at the same stage as null and void.

Writ Petition Nos. 33082 to 33084 of 2015 filed under Article 226 of the Constitution of India praying to issue Writs of Certiorarified Mandamus, to call for the records of impugned order of disqualification passed by the 3rd respondent dated 05.08.15 (Enrolment Nos.1106942, 3404332 & 3403439 respectively and quash the same and direct the respondents to conduct a fresh physical efficiency test in respect of other events and further direct the respondents to permit the petitioners to participate in the subsequent stages of selection.

For Petitioner

in all WPs

: Mr. K. Venkataramani, Sr. Counsel
for Mr. M. Muthappan

For Respondents

in all WPs

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

COMMON ORDER

(Made by The Hon'ble The Chief Justice)

The petitioners participated in the process of recruitment of Sub Inspectors publicised by Notification dated 08.02.2015. They cleared the Written Test, but in the course of the Physical Endurance Test, were not successful, as they were not able to clear one of the three events.

2. The plea of the petitioners is that prior to present examination, the process which used to be followed was that even if a candidate was unsuccessful in any of the Physical Endurance Test events, he/she would make it to the next stage and the total marks would be counted. The change is stated to be

arbitrary and it is pleaded that the reason for the change ought to have been specified.

3. We are unimpressed with the argument. It is for the authorities concerned to lay down the parameters of the examination. Those parameters have to operate in case of non clearance of a candidate in any event at the Physical Endurance Test for recruitment as Sub Inspectors, and it can hardly be called irrational or arbitrary. It is not necessary to give reasons why the authorities concerned would change the norms. It is not possible to attribute motives in such a situation.

4. We may also add the additional facts that the petitioners participated in the test without demur or protest. Not only that, the present petitions have been filed on 14.10.2015, post Physical Endurance Test and even the viva-voce is almost over.

5. For the aforesaid reasons, we are not inclined to accede to the request of the petitioners and thus, these writ petitions are dismissed. No costs. Consequently, M.P. Nos.1 and 2 of 2015 are also dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

atr

Copies to;

1. The Secretary to Government
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 2. The Director General of Police
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Egmore, Chennai-8.
- +6 ccs to Mr.M.Muthappan Advocate sr.57681

W.P.Nos.33079 to 33084 of 2015

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