

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2015

Coram

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM
and
THE HON'BLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33714 of 2015

&

M.P.No.1 of 2015

R.Kuppusamy

[PETITIONER]

Vs

1 The Director General of Police
Tamilnadu Uniformed Service
Recruitment Board,
Chennai-8

2 The Member Secretary
Tamilnadu Uniformed Service
Recruitment Board
Chennai-8

3 The Chairman
Sub Committee
Tamilnadu Uniformed Service
Recruitment Board
Chennai-8.

[RESPONDENTS]

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the first respondent to consider the representation dated 30.9.2015 by providing another opportunity to participate the Physical Measurement Test/Endurance Test/ Physical Efficiency Test for Sub Inspector Selection.

For Petitioner : Mr.S.Jayakumar

For Respondents : Mr.P.H.Aravindh Pandian
Addl. Advocate General

asstd by Mr.S.T.S.Murthy,
Government Pleader

O R D E R

(Order of the Court was delivered by T.S.SIVAGNANAM, J.)

Heard Mr.S.Jayakumar, learned counsel appearing for the petitioner and Mr.P.H.Aravindh Pandian, learned Additional Advocate General assisted by Mr.S.T.S.Murthy, learned Government Pleader appearing for the respondents.

2.The petitioner seeks for a direction upon the first respondent to consider his representation dated 30.09.2015, by providing another opportunity to enable him to participate in the physical endurance test for the post of Sub-Inspector of Police.

3.The petitioner is an in-service candidate, who applied under the open category for selection to the post of Sub-Inspector of Police. The petitioner would state that while he was travelling in a two wheeler, he met with an accident and was admitted in the hospital as an in-patient from 21.07.2015 to 23.07.2015, for treatment and he was advised to take bed rest till 31.08.2015. The petitioner was successful in the written test conducted for selection to the post of Sub-Inspector of Police and he was called upon to appear for the physical endurance test on 04.08.2015. The petitioner is said to have participated in the test inspite of the fact that he was convalescing. However, when the second respondent published the list of qualified candidates, the name of the petitioner did not find place on the ground that he had not passed in the rope climbing test. The petitioner would state that because of his ill health and due to the injuries sustained by him in the road accident, he could not perform well in the rope climbing test and therefore, his representation should be considered and he should be afforded one more opportunity to undertake physical endurance test.

4.Firstly it has to be pointed out that the Writ Petition has been filed belatedly, when the entire selection process is over and viva voce is also over. Further more, in some what identical circumstances, the First Bench of this Court in which one of us is a party (T.S.SIVAGNANAM,J.) in W.P.No.28516 of 2015, rejected a similar request. In the said case also the petitioner claimed to have sustained prior injury in his hand and because of which he could not successfully complete the rope climbing event.

5.Considering the facts and circumstances of the case, that Writ Petition was dismissed by an order dated 10.09.2015, by observing that the petitioner therein cannot call for a review of the decision taken to disqualify him on account of the admitted failure to clear the test. In the instant case also, it is admitted that the petitioner did not clear the physical endurance test, especially in the rope climbing test.

6.In the light of the above, no relief can be granted to the petitioner herein. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rpa

To

1 The Director General of Police
Tamilnadu Uniformed Service
Recruitment Board,
Chennai-8

2 The Member Secretary
Tamilnadu Uniformed Service
Recruitment Board
Chennai-8

3 The Chairman
Sub Committee
Tamilnadu Uniformed Service
Recruitment Board
Chennai-8.

1CC to Mr.S.Jayakumar, Advocate SR 58725

W.P.No.33714 of 2015

CTK [CO]
PSI 06.10.2015



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