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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE V.S.RAVI

WRIT APPEAL (MD) No.941 of 2015

S.Dinesh

.. Appellant/ Petitioner

Vs.

1. The Chairman,
Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.

2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.

3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

.. Respondents/ Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Appeal, praying this Court, to set aside the order passed by this Court in W.P. (MD) No.14350 of 2015 vide its order dated 12.08.2015.

Prayer in WP(MD). 14350/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus by calling for the entire records pertaining to the order passed the 1st respondent in the name of disqualification slip vide his proceedings in C.No.R2/315/2015 dated 03.08.2015 and quash the same and consequently direct the 2nd Respondent to hold physical measurement test for getting the petitioner's chest measured and further direct him to allow the petitioner to take part in the further process of selection in recruiting the Sub-Inspector of Police (Taluk) in pursuance to his Notification No.01/2015 dt.8.2.2015

For Appellant : Mr.R.Anand, Advocate

For Respondents : Mr.N.Manoharan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by V.S.RAVI, J.)

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2. The petitioner has specifically admitted in the affidavit filed along with the Writ Petition that he has applied for the post of Sub Inspector of Police pursuant to the Notification No.1 of 2015 dated 08.02.2015. Further, the petitioner has clearly stated that he is well aware of the procedure and also prepared for physical test, as the petitioner's father is working as Sub Inspector of Police at Armed Reserve Wing, Tirunelveli and the petitioner is coming under "Ward Quota". Further, the petitioner has clearly admitted in the affidavit enclosed with the Writ Petition that after completing his education, namely, B.E.(Mechanical), he came to know about the notification issued by the second respondent for the purpose of recruiting the Sub Inspector of Police Taluk (Men and Women) vide Notification No.01 of 2015 dated 08.02.2015 and he has applied for the said post. Further, the petitioner has admitted that his father is working as the Sub Inspector of Police, Armed Reserve Wing, Tirunelveli and he has been allocated in "Ward Quota". Further, the petitioner has admitted in the affidavit that after making his chest measurement, he has been disqualified on account of paucity of measurement by saying his normal chest measurement is 82 centimeters and at the time of expansion, it is 83.5 centimeters and on appeal, the petitioner/appellant has been permitted to undergo second time test, and for the second time also, his ordinary status of chest measurement is reported to be 81.5 centimeters and at the time of expansion, the measurement is reported to be 85.5 centimeters.

3. Further, the petitioner has admitted in the affidavit itself that he has reported to the first respondent, who is turn permitted the test of measurement for the said second time. Accordingly, for the second time also, the petitioner has been informed that his chest in ordinary status is having 81.5cm and the expanded measurement is 85.5cm. Further, as per the details enclosed at page No.9 of the said notification issued by the second respondent, it is found that the minimum eligibility requirement for physical measurement for chest, normal is minimum 81 cms and expansion is minimum 5 cms.

4. On that ground only, the learned Government Advocate has clearly pointed out that the chest measurement has been taken for the said two times for the petitioner/appellant and the petitioner has not satisfied the said requirement eligibility for chest measurement and consequently, the Writ Petition has been found to be not satisfied the said minimum eligibility requirement. Further, in the impugned order itself, it is clearly pointed out that a computer has been fixed to display the height, weight and chest measurement of the candidate who is bound to undergo the physical measurement test and for the first time, the appellant has got only 82 centimeters, after expansion, it has been noted as 83.5 centimeters and when the appellant has filed the appeal before the first respondent, and on second time measurement also, his chest measurement has been noted as 81.5 centimeters and 85.5 centimeters after expansion. On that ground only, the Writ Petition has been rightly dismissed on 12.08.2015.



5. Further, the learned Government Advocate has clearly pointed out that the correct measurement of the chest including the expansion has been taken by the Technically Qualified Sub Inspector from the Police Department and to show the correct measurement, a computer has been fixed to display about the height, weight and chest measurement of the candidate. Further, the learned Government Advocate has clearly pointed out that the petitioner has only 82 centimeters and after expansion 83.5 centimeters and as per the re-measurement for the second time also, the petitioner has got normal chest measurement of 81.5 and 85.5 centimeters after expansion.

6. Further, in the grounds, the appellant has pointed out that only an Inspector of Police attached with the law and order police station has been asked to take measurement of the chest. However, it is seen that the chest measurement has been taken for all the candidates only by the Inspector of Police. Further, an appeal made before the first respondent by the writ petitioner and the re-measurement has been made for the appellant for the second time and during the second time measurement also, the appellant has not reached the minimum requirement of chest measurement.

7. Further, on a careful perusal of entire materials on records, it is found that the appellant herein, has not raised any valid grounds to interfere with the impugned order passed in the Writ Petition. For the above mentioned reasons, it is crystal clear that the submissions made on behalf of the appellant is untenable and also unsustainable. On a proper appreciation of materials on record only, the impugned order has been passed, dismissing the Writ Petition, as the appellant is not having minimum chest requirement measurement. Therefore, there are no circumstances warranting to interfere with the impugned order. In the facts and circumstances of the present case, it is seen that the impugned order has been passed, after taking into consideration of all the relevant factors of the case.

8. Further, the learned Single Judge has also given valid reasons for not accepting the submissions made on behalf of the petitioner, and this Court is also not finding any acceptable reasons to grant relief as prayed for in the Appeal, as the appellant is not having the required minimum eligibility chest measurement.

9. This Court, on analysis of the facts and circumstances placed before it and on consideration of the rival submissions, is of the view that the impugned order passed by the learned Single Judge is sustainable both in law and on facts. Therefore, it is found that the Writ Appeal has to be dismissed and the impugned order passed in the Writ Petition has to be confirmed.

10. In the light of the above findings, this Court is of the view that the appellant herein has not made out a case to allow the Writ Appeal for the reasons and grounds stated in the Writ Appeal.

11. In the result, the Writ Appeal is dismissed and the impugned order passed in the Writ Petition No.14350 of 2015 dated 12.08.2015 is



confirmed.
closed.

No costs. Consequently, connected Miscellaneous Petition is

Sd/-
Assistant Registrar(Writs)

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/True Copy/

Sub Assistant Registrar.

To

1. The Chairman,
Sub Committee,
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AM/15.10.2015/SK.SKN/4P/4C