



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.08.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

WP (MD) No.14016 of 2015

and

MP (MD) No.1 & 2 of 2015

G.Muthuraja

.. Petitioner

Vs.

1.The State of Tamilnadu,
rep.by its Secretary to Government,
Home Department (Police IV)
Chennai - 9.

2.The Director General of Police,
Government of Tamilnadu,
Chennai - 5.

3.Tamilnadu Uniform Services Recruitment Board,
rep.by its Member Secretary,
Chennai - 2.

4.The Inspector General of Police,
South Zone, Madurai.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to select petitioner for the post of Sub-Inspector of Police under Backward Class category pursuant to the notification and advertisement No.1/15 dated 08.02.2015 issued by the 3rd respondent Board by giving grace time to the petitioner for appearing in the physical test by conducting special physical test for the petitioner from the stage where the petitioner participated in the physical test.

For Petitioner : Mr.V.Panneerselvam
for Mr.AL.Kannan

For Respondents : Mr.S.Chandrasekaran
Govt.Advocate



ORDER

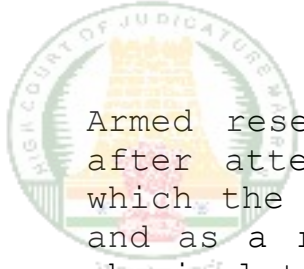
This writ petition has been filed by G.Muthuraja seeking for issuance of writ of Mandamus directing the respondents to select the petitioner for the post of Sub-Inspector of Police under Backward Class category pursuant to the notification and advertisement No.1/15 dated 08.02.2015 issued by the 3rd respondent Board by giving grace time to appear in the physical test by conducting special physical test from the stage where the petitioner participated in the physical test.

2. Heard both sides.

3. The petitioner belongs to Backward Community who acquired B.Sc., degree, applied for the post of Sub Inspector of Police under open category, while serving as Gr-II (Ar) under the Assistant Commissioner of Police, Armed reserve, Madurai. Pursuant thereto, he took up the written examination held on 23.05.2015 and secured 54.5 marks out of 70 marks. On 03.08.2015, he participated in the 1,500 meters running and when he was about to finish the said 1,500 meters running, his legs sustained a muscular stress and immediately he was taken to a doctor for treatment. The doctor advised the petitioner to take rest. The petitioner secured good marks in the written examination and come out successfully in one of the physical tests. But, due to muscular stress followed by sustaining injury, he was unable to take part in the 400 meters or 100 meters running race and other physical tests. As the petitioner is already serving as Gr-II (Ar) under the Assistant Commissioner of Police, Armed reserve, if the respondent by giving grace time to the petitioner to appear in the physical test, conducts a special physical test, no prejudice would be caused to the respondents.

4. Learned Government Advocate would submit that after participating in the written examination held on 23.05.2015, the petitioner having secured 54.5 marks out of 70 marks, took part in 1500 meter running and he was unable to participate in the remaining physical tests viz., long jump and rope claiming, as he himself went back to get treatment. The petitioner was not available to take part in the remaining physical tests. Therefore, the petitioner cannot ask for any direction or grace time from the respondents, as it is not permissible and even otherwise, granting of grace time to the petitioner would open a pandora's box for others to follow. That apart, the petitioner who is presently serving as a Gr-II (Ar) under the Assistant Commissioner of Police, Armed reserve is not going to be affected even if he is not allowed.

<https://hcservices.ecourts.gov.in/hcservices> 5. This Court finds justification in the submission made by the learned Government Advocate. The petitioner is presently serving as Gr-II (Ar) under the Assistant Commissioner of Police,



Armed reserve. When he was participating in 1500 meter running after attending written test, he sustained muscular stress, for which the petitioner himself left the place for taking treatment and as a result he was unable to participate in the rest of the physical tests conducted by the respondents. Therefore, this Court is not in a position to consider the prayer in favour of the petitioner.

6. Hence, this writ petition is dismissed. No costs. Connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
State of Tamilnadu,
Home Department (Police IV), Chennai - 9.
 - 2.The Director General of Police,
Government of Tamilnadu, Chennai - 5.
 - 3.The Member Secretary,
Tamilnadu Uniform Services Recruitment Board,
Chennai - 2.
 - 4.The Inspector General of Police,
South Zone, Madurai.
- + 1 CC TO M/S.AL.KANNAN, ADVOCATE IN SR NO. 45528
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 45597

MJ
TE/NGM-SS/SAR-I 23/09/2015 3P/7C

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