



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

WA(MD)No.1533 of 2016

1.The Chairman,

Tamil Nadu Uniformed Services Recruitment Board,
No.807, 2nd Floor, Anna Salai,
Chennai-2.

2.The Chairman/Member,

Sub Committee, Tuticorin Centre,
The Common Recruitment of Grade II Police Constables,
Grade II Jail Warders/Firemen - 2012,
A.R.Ground, Reserve Lane,
Madurai.

..Appellants/Respondents

Vs.

K.Muthukumar

.. Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the common order, dated 24.09.2012 made in W.P(MD)No.12236 of 2012.

Prayer in W.P(MD)No.12236 of 2012:

Writ Petition No.12236 of 2012 has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the impugned order of Disqualification, vide R.C.No.R1/4344/2011 dated 23.08.2012 pertaining to disqualifying the Petitioner from recruitment on the ground of height, on the file of the 2nd Respondent and to quash the same as improper and further direct the respondents to permit the Petitioner to participate in the further course of selection being conducted by the Respondents for the Common Recruitment of Grade-I Police Constables / Grade-II Jail Warders / Firemen-2012 by re-measuring the Petitioner through a qualified person.

For Appellants

:Mr.A.K.Baskara Pandian,

Special Government Pleader

**JUDGMENT**

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

The official respondents in W.P(MD)No.12236 of 2012, are the appellants herein and aggrieved by the common order, dated 24.09.2012 passed in W.P(MD)No.11757 of 2012 (batch), which includes the above said writ petition, directing the respondents/writ petitioners to allow the individuals concerned to participate in the further selection process, to the Post of Police Constables Grade II, they came forward to file this Writ Appeal.

2. A perusal of the common impugned order would disclose that in pursuant to the orders passed by this Court, the Dean, Government Rajaji Hospital, Madurai, has constituted a Committee to measure the height and chest of the petitioners and as per the report, the Writ Petitioners come within the norms and therefore, this Court has directed the appellants herein to permit them to participate in the further selection process.

3. Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the appellants would submit that in similar facts and circumstances, W.P(MD)No.11601 of 2012 was filed and the same came to be ordered and challenging the same, the first appellant along with the Chairman/Member, Sub-Committee, Tamil Nadu Uniformed Services Recruitment Board, Virdhunagar, filed W.A (MD)No.1321 of 2014 and the said writ appeal was also dismissed on 14.11.2014.

4. It is also brought to the knowledge of this Court that some writ appeals preferred against the very same common order were also came to be dismissed.

5. This Court upon hearing the submissions made by the learned Special Government Pleader appearing for the appellants and on going through the materials placed before it, is of the view that the present Writ Appeal lacks merits and deserves dismissal and accordingly, the Writ Appeal is dismissed at the admission stage, confirming the order, dated 24.09.2012 passed in W.P(MD)No.12236 of 2012. However, considering the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, Advocate, SR No.72430

WA (MD) No.1533 of 2016
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