



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.12.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND
THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A.[MD].No.1606 of 2016
and
C.M.P. (MD) .No.12126 of 2016

1.The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board,Anna Salai, Chennai 600 002.

2.The Chairman/Members,
Sub-Committee,Kanyakumari Centre,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, 2nd Floor, Anna Salai,
Chennai - 2

: Appellants / Respondents

Vs.

S.Pavithra : Respondent / Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 24.09.2012 made in W.P.(MD).No. 11770 of 2012.

Prayer in WP(MD). 11770/ 2012 :

Writ Petition filed under Article 226 of Constitution of India, praying that Writ of Certiorarified Mandamus or any other Writ order or direction in the nature of writ, calling for the records of the 2nd respondent in Rc.No.R1/4344/2011 dated 24.08.2012 and quash the same as illegal consequently direct the 2nd respondent to remeasure the petitioner height and allow the petitioner to participate in the other events, if he has the required height.

For Appellants : Mr.N.S.Karthikeyan
Additional Government Pleader
For Respondent : Mr.P.Subbaraj

JUDGMENT

[Judgment of the Court was made by **R.SUBBIAH, J.**]

This Writ Appeal has been filed as against the order dated 24.09.2012 made in W.P.(MD).No. 11770 of 2012.



2. The respondent herein is the Writ Petitioner. She has projected a case before the learned Single Judge stating that the Tamil Nadu Uniformed Service Recruitment Board called for applications from the eligible candidates for the post of Common Recruitment of 13320 Grade II Police Constables [Men & Women] and Grade II Jail Warders [Men & Women], for the year 2012. The respondent herein applied for the said post. She has also passed in the written examination and thereafter, she was called for physical measurement test, which was held on 23.08.2012. The minimum required height to the candidates belonging to Backward Class Community is 159 cms. However, the claim of the respondent herein was rejected on the ground that she does not have the required height of 159 cms. Challenging the same, the respondent filed W.P.(MD).No. 11770 of 2012. The learned Single Judge of this Court, by order dated 24.09.2012, disposed of the said Writ Petition, along with connected Writ Petitions, issuing a direction to the Dean, Madurai Government Rajaji Hospital, Madurai, to constitute a Committee of Three Doctors, to measure the height and chest of the Writ Petitioners. Accordingly, a Committee was constituted and the height and chest of the Writ Petitioners were re-examined by the Medical Board. The Dean, Madurai Government Rajaji Hospital, Madurai, submitted a report showing the height and chest measurement of the Writ Petitioners. Based on the said report, this Court allowed all the connected Writ Petitions, including the present Writ Petition, directing the appellants herein to allow the Writ Petitioners to participate in the further selection process. Aggrieved over the same, the present Writ Appeal has been filed.

3. In one of the Writ Appeals, viz., in respect of an identical issue in W.A.(MD).No.1321 of 2014, a Division Bench of this Court, by Judgment dated 14.11.2014, has dismissed the Writ Appeal and held as follows:-

"5. The learned Special Government Pleader has also relied upon the Judgment of the Hon'ble Supreme Court in **H.P.Public Service Commission Vs. Mukesh Thakur and another - 2010 (5) MLJ 746 (SC)**, which deals with the factual matrix of revaluation of answer sheets by the Court and in that context, it was observed that the Court could not take up task of Selection Board and examine discrepancies in question papers and valuation thereafter.

6. In our view, the aforesaid Judgment has no application to the facts of the present case, as there is no question of any objective or subjective valuation of answer sheets involved in the present case. The only physical parameters has to be ascertained for which a doctor would be an appropriate person. That there was a large number of aggrieved



persons and on a Medical Board being constituted, they being found eligible itself shows that the process of measuring the heights was far from satisfactory. We cannot lose sight of the fact that by revising heights, the candidates can be disqualified, which in turn may facilitate entry of less meritorious candidates. Rather than putting its own house in order, the appellants seek to assail the decision to constitute a Medical Board and therefore, the Writ Appeal is liable to be rejected.

7. We make it clear that this will not amount to waiver of the appeal right and certainly the candidates can appeal as provided in the coding sheet. Simultaneously, the Chairman of the Sub-Committee should also supervise the measurements and ought to be careful to see that this task is not performed in a perfunctory manner where a large number of candidates are improperly disqualified. We are of the view that in the given situation, the course of action followed in constituting a Medical Board with three doctors in the presence of the Deputy Registrar was appropriate and it has not as if the Court took up itself to measure height of the candidates. We are told that the candidates already stand recruited and this Writ Appeal is fruitless exercise".

4. Following the said Judgment, the present Writ Appeal is also dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board, Anna Salai, Chennai 600 002.

2.The Chairman/Member,
Sub-Committee, Kanyakumari Centre,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, 2nd Floor, Anna Salai, Chennai - 2

+1cc to Spl.Government Pleader Sr.No.83619

JAM/12.01.2017/ME/ 3p-4c

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**JUDGMENT MADE IN
W.A. [MD] .No.1606 of 2016**



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