

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017
CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1219 of 2017
and
C.M.P.No.17163 of 2017

B.Poornima ... Appellant/Petitioner
-vs-

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police
Office Campus,
Pantheon Road,
Egmore, Chennai-600 008. ... Respondent/Respondent

Appeal filed filed under Clause 15 of the Letters Patent,
against the order passed by this Court in W.P.No.21817 of 2017
dated 17.08.2017.

W.P.No.21817 of 2017:-

filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the
respondent to provide one more opportunity in the 100 meter run
event as had been done in the case of 200 meter run event and
to consider the petitioner for selection to the post of Police
Constable Grade -II.

For Appellant :: Mr.M.Gnanasekar
For Respondent :: Mr.K.Venkataramani,
Additional Advocate General
assisted by
Mr.R.Prathap Kumar,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal has been filed against the order passed by
this Court in W.P.No.21817 of 2017 dated 17.08.2017, wherein the
prayer of the appellant to direct the respondent to provide one

more opportunity to the appellant in the 100 metre run event as had been done in the case of 200 metre run event to consider the appellant for selection to the post of Police Constable Grade-II, was rejected.

2.The case of the appellant is that pursuant to the notification issued by the respondent inviting applications to the post of Grade-II Police Constable in the Tamil Nadu Uniformed Services, the appellant submitted her application and participated in the written test. She has been selected in the written test and has also successfully passed in all the physical tests conducted by the respondent including long jump, high jump etc., but in the 100 metre running event she was unsuccessful and hence she was disqualified for selection. She filed a writ petition in W.P.No.21917 of 2017 to provide her one more opportunity in the 100 metre running event as had been done in the 200 metre running event to consider the appellant for selection to the post of Police Constable Grade-II. Holding that there is no provision for appeal provided in the brochure or instructions issued to the candidates regarding the recruitment process and that it is only a momental success in respect of such athletic competitions, this Court rejected the prayer made in the writ petition. Hence this appeal.

3.The learned counsel for the appellant has submitted that the respondent had entertained the request of the candidates who had participated in the 200 metre event and given them another chance, but in the case of 100 metre event it has not been done. The said act, according to the learned counsel for the appellant amounts to violation of fundamental rights under Articles 14 and 16 of the Constitution of India. Stating so he prayed for quashing the order passed by the learned single Judge and to direct the respondent to permit the appellant to have one more chance in respect of 100 metre running event.

4.Mr.K.Venkataramani, learned Additional Advocate General, took notice for the respondent and by referring to the 200 metre running event that took place on 09.08.2017, submitted that the Member Sub-Committee Chairman measured the the track and it was found to be 207 metres instead of 200 metres and hence it was decided to recalibrate the distance and to give one more opportunity to the candidates belonging to that event and accordingly a chance has been given to those candidates. Thus, according to the learned Additional Advocate General, the appellant is not entitled to the relief as prayed for.

5.Heard the learned counsel on either side and perused the materials available on record.

6.We find no force in the submission made by the learned

counsel for the appellant. As per the submission made by the learned Additional Advocate General, in respect of 200 metre running event that took place on 09.08.2017, 18 women candidates participated in three batches and 9 candidates were disqualified as they did not complete the said event in the prescribed time of 38 seconds. It is his further submission that the Member Sub-Committee Chairman measured the the track and it was found to be 207 metres instead of 200 metres and hence it was decided to recalibrate the distance and to give one more opportunity to the candidates belonging to that event and accordingly a chance has been given to those candidates. A chance was given to the candidates belonging to 200 metre running event only on account of the fact that there was an error in the measurement of the track and not otherwise. In such view of the matter, another chance to participate in the 100 metre running event cannot be granted. The appellant may try her luck in the next selection process, if any.

7. In the above stated circumstances, the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KM

To

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police, Office Campus,
Pantheon Road, Egmore, Chennai-600 008.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.71548

+1cc to the Government Pleader, S.R.No.72101

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and

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MSM(CO)

CS/22/11/17