

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.20797 of 2017

K.Kailasam

...Petitioner

Versus

1. The Tamil Nadu Uniformed Services Recruitment Board,
Rep. By its Member Secretary,
Egmore, Chennai - 8.

2. The Chairman/Member,
Sub Committee,
Coimbatore Centre,
Coimbatore District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus call for the records relating to the impugned disqualification slip issued by the 2nd respondent in his proceedings in C.No.R2/150/2017 dated 28.07.2017 and quash the same as illegal and consequentially to direct the 2nd respondent to re-conduct physical measurement test for the petitioner to re-measurement of Chest and allow the petitioner to participate in other test of selection process within the period that may be stipulated by this Hon'ble Court.

For Petitioner: M/s.Ajmal Associates

For Respondents: Mr.K.Venkataramani,
Additional Advocate General
assisted by Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The order of non-selection dated 28.07.2017 issued by the 2nd respondent is under challenge in this writ petition.

2. The writ petitioner, pursuant to the recruitment notification issued for recruitment to the post of Police

constable Grade II, submitted an application through on-line on 06.02.2017 and his application Number is CR168155. The writ petitioner participated in the the written examination and got selected. Thereafter, he was called for physical measurement test, Endurance test, Physical Efficiency test and the original certificates of the writ petitioner was verified and he participated in the physical measurement test.

3. The learned Additional Advocate General assisted by Mr.K.Dhananjayan, learned Special Government Pleader appearing on behalf of respondents 1 and 2 contended that the writ petitioner has not established the minimum chest measurement as prescribed in the recruitment rules. At the first instance, the chest measurement of the writ petitioner was 78 out of the minimum requirement of 81. The writ petitioner preferred an appeal before the Deputy Inspector General of Police and consequently, measurement was taken in the presence of Deputy Inspector General of Police. Even during the said measurement, the chest measurement of the writ petitioner was scaled as 76 cms. However, he is not able to establish the minimum expansion of 5 cms which is prescribed in the recruitment rules. Thus, in both the occasion, the writ petitioner has not fulfilled the required measurement of chest expansion and thus, he was disqualified and accordingly, the 2nd respondent issued the disqualification slip in proceedings dated 28.07.2017.

4. The Learned Additional Advocate General appearing for respondent stating that the physical measurement test and the procedures to be followed are very well formulated in the instruction/broucher, which is already supplied to the candidates before participating in the physical measurement test. Accordingly, the minimum eligibility height mandated under Rule 14 of the TamilNadu Police Subordinate Service Rules is 170 cm for Men and 159 cm for women. The Board constituted for the purpose of conducting the recruitment has conducted physical measurement test / Endurance test / Physical efficiency test in 15 centres from 27.07.2017 onwards. For each centre a Sub-Committee has been constituted to conduct tests on behalf of TNUSRB. The Sub-committee has been constituted consisting Chairman in the rank of DIG of Police and Members in the rank of I-Superintendent of Police, II-Additional Superintendent of Police, III-Deputy Superintendent of Police, IV-Superintendent of Prison or Additional Superintendent of Prison, V-District Officer for Fire and Rescue.

5. Further, it is stated that the physical measurement test for [height / chest] is done at two levels. In the 1st level, measurement of height will be measured with a measuring stand and measurement of Chest will be manually measured with

regular inch tapes. In case of rejection, the candidates can appeal to the Sub- Committee Chairman / DIG for the second level of measurement, it will be done by using Digital height and chest measurement device.

6. The candidates who are disqualified in the height and chest measurement, at the time of appeal, are issued with disqualification slip under acknowledgment by the Chairman, Sub-committee indicating the reason for disqualification.

7. This apart the norms for the physical measurement of height and chest are clearly explained in the Notification No.117 in Para XIII (1) & (2) for male candidates and (3) for female/third gender candidates and the same has been specified in the Broucher in Para No.27 (i) for male and (ii) for female and third gender candidates.

Event	For Male	For Female/Third Gender
Height	The height measurement should be minimum of 170 cm for all communities except SC/ST community which should be 167 cm.	The height measurement should be minimum of 159 cm for all community except SC/ST community which should be 157 cm.
Chest	The Chest measurement should be minimum of 81 cm in normal state and 5cm expansion in a state of deep inspiration.	Not applicable to women.

8. The writ petitioner was not able to fulfill the specific instructions given in the notification as well as in the brochure issued in this regard. Thus, the petitioner was disqualified as he did not have the minimum chest eligibility. The physical measurement for height and chest eligibility criteria to participate in the selection process for the said recruitment is fixed as under Category 8 of Rule 14 (1) (a) and (b) of Annexure II of the Tamil Nadu Police Subordinate Service Rules and further it is contended that the prescription of the possession of minimum height measurement for direct recruitment to the post of Gr.II Police Constable/Sub Inspector of Police (men and women) is essential in view of the amendment issued to the Special Rules for Tamil Nadu Police Subordinate Services in G.O.Ms.No.60 Home (Police VI) department dated 20.01.2010 and the relevant portion is extracted hereunder:

Note:

'In respect of male candidates the height shall not be less than 170 cms. Provided that in the case of SC/ST candidates, the height shall not be less than 167 cms'.

9. The learned counsel for the writ petitioner contended that the respondents have not used the electronic device for the purpose of measurement of chest of the writ petitioner. When thousand and thousands of candidates were participated for recruitment to the post of Grade II Police Constable and it is for the Government to decide the nature of the machines to be utilized and there is no specific allegation set out in the writ petition. In the absence of specific contention, in this regard this Court cannot consider or adjudicate the same. When the writ petitioner has participated in the recruitment process and undergone the physical measurement test and endurance test, physical efficiency test, it is not left open to the writ petitioner to blame the Rules regarding the recruitment. Unless any irregularity or illegality is alleged or corrupt practices are established with a specific material, the writ petition in this regard need not be entertained. In this view of the matter, the disqualification slip issued to the writ petitioner is in accordance with the recruitment rules and there is no infirmity. Accordingly, the writ petitioner stands dismissed. No costs. WMP.20644/2017 is closed.

Sd/-

Assistant Registrar(CS VIII)

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सत्यमेव जयते Sub Assistant Registrar

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To

1. The Member Secretary,
The Tamil Nadu Uniformed Services
Recruitment Board,
Egmore, Chennai - 8.

2. The Chairman/Member,
Sub Committee,
Coimbatore Centre,
Coimbatore District.

+1cc to M/s.Ajmal Associates Advocate sr.57340

+1cc to Government Pleader sr.57964

WP.No.20797 of 2017

mg(co)
ss(18/9/2017)



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