

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.20947 of 2017

and

WMP.No.21836 of 2017

S.Thirunavukkarasu

.. Petitioner

Vs

1.The Tamil Nadu Uniformed Services  
Recruitment Board, Rep.by its  
Chairman, Old Commissioner of Police  
Campus, Pantheon Road,  
Egmore, Chennai 600 008.

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

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to calling for the records in pursuant to the impugned order issued by the second respondent in proceeding No.C.No.R2/150/2017 dated 27.07.2017 and quash the same and consequently direct the respondents to permit the petitioner to participate in the Endurance Test and Physical Efficiency Test.

For Petitioner : Mr.R.Prem Narayan

For Respondents: Mr.K.Venkata Ramani  
Additional Advocate General (Asst.by)

: Mr.K.Dhananjayan  
Special Government Pleader

O R D E R

The order of non-selection dated 27.07.2017, is under challenge in this writ petition. A Consequential direction is also sought for to permit the petitioner to participate in the Physical Measurement Test, Physical Endurance Test and Physical Efficiency Test and to pass any other appropriate orders.

2. The writ petitioner, pursuant to the advertisement made for recruitment to the post of Grade II Police Constable, Grade II Jail Warder and Fireman, submitted his application. He participated in the written examination also and came out successfully. The writ petitioner was also directed to appear for the interview and for Physical Test. During the Physical Test, the writ petitioner was assessed the height of 168.7cm. Accordingly, he was issued with a dis-qualification slip, since the minimum required height is 170cms. Pursuant to the dis-qualification slip issued by the Chairman, Sub Committee, the writ petitioner has preferred an appeal to the Chairman Sub Committee. On appeal, the Deputy Inspector General, in his presence, conducted Digital measurement test for the writ petitioner. In that test also, the height of the writ petitioner is measured as 169.4cm. Thus, he was not selected by the Board and his disqualification initially issued was confirmed. Challenging this, the writ petition is filed.

3. The learned Additional Advocate General, who appeared on behalf of the respondents contended that during the original Fitness Test, the height of the writ petitioner was measured a 168.7cm and on appeal, Digital Measurement Test was taken. Even at that point of time, the height of the writ petitioner was measured as 169.4cm. Therefore, he is not within the minimum required height of 170cms. Thus, there is no irregularity in his non selection and the same is in accordance with the recruitment rules.

4. The learned counsel appearing for the writ petitioner contended that he himself appeared before a Government Doctor and the Government Doctor issued a certificate showing that the height of the writ petitioner is 171cm. The certificate of Physical fitness by single medical officer is enclosed in Page 6 of the typed set of papers and it is signed by Civil Assistant Surgeon, Government Pentland Hospital, Vellore. The sanctity of the same cannot be recognized by this Court in this writ petition, in view of the fact that such a certificate was obtained by the writ petitioner on his volition and there was no reference to the Doctor to conduct such an examination by any other competent authority or by the Court. Any certificate produced in the absence of any such order from the competent authority, cannot stand the scrutiny of law and therefore, such certificate produced and the trust worthiness of such a certificate cannot be considered by this Court in this writ petition. Now, this Court has to consider whether the procedure required to be followed by the respondents are adopted or not. No doubt, there is a possibility of wrong use of discretion while conducting the measurement during the recruitment process more specifically when large number of candidates are appearing. When the writ petitioner preferred an appeal and on appeal, the

Deputy Inspector General himself in his presence, conducted the digital measurement and recorded the height as 169.4cm, there is no reason for this Court to disbelieve the same and it is not the choice of the writ petitioner to measure by a Government Doctor and it is for the recruiting agency to adopt fair and reasonable procedure to avoid all such controversies. The test of reasonableness alone is to be considered in this writ petition. The manner in which the appeal was entertained and the second examination of height was conducted personally by the Deputy Inspector General. Thus, there is no reason for this Court to dis-believe the genuineness of the exercises done by the Deputy Inspector General in this regard. There is no other allegation of malpractice or malafides alleged in this writ petition.

5. Accordingly, the writ petition deserves no further consideration and the dis-qualification slip to the writ petitioner and the non-selection is in order and Accordingly, the same is confirmed. The other grounds raised in this writ petition deserve no further consideration, in view of the fact that the petitioner has not satisfied the minimum required height of 170cm in two different Physical tests conducted by the recruiting authorities.

6. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

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

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

+lcc to Mr.R.Prem Narayana, Advocate sr.56925

+lcc to Government Pleader, sr.57499

W.P. No. 20947 of 2017

gjII(co)  
ss(14/9/2017)