

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2017

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

W.P. No.20948 of 2017

and

WMP.No.21837 of 2017

P.Rajasekaran

.. 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 relief sought for in this writ petition is to permit the petitioner to participate in the Endurance Test and Physical Efficiency Test and the order of non selection dated 27.07.2017 is also under challenge in this writ petition.

2. Pursuant to the notification, the petitioner submitted his application for recruitment to the post of Gr.II, Police Constable. The writ petitioner participated in the written examination and having succeeded, participated in the Physical Measurement Test. During, the Physical Measurement Test, the height of the writ petitioner was measured as 169cm. Accordingly, he was dis-qualified and issued with a dis-qualification slip.

3. The learned counsel appearing for the writ petitioner contended that the petitioner appeared before the Government Doctor who issued a certificate that the writ petitioner's height is 172cm. Therefore, the writ petitioner has to be allowed to participate for another Physical Measurement Test.

4. The learned Additional Advocate General submitted that the writ petitioner was subjected to Physical Measurement Test and his height was only 169cm. There is a provision for appeal and many candidates preferred an appeal and all those candidates were subjected for further measurement in the presence of Deputy Inspector General of Police through digital measurement system. But, the writ petitioner has not chosen to do so. Contrarily, he himself appeared before the Government Doctor at Vellore and obtained a certificate and such a certificate obtained privately by the writ petitioner cannot be trusted and the recruiting agency cannot permit such certificates obtained from a Government Doctor in this regard. When, there is a provision for appeal, it is for the writ petitioner either to prefer an appeal or accept the order of non selection. In this case, the writ petitioner has not preferred any appeal to this, but, others have done so.

5. During the digital measurement, there is any difference then the same will be considered by the recruiting board. Thus, the writ petitioner has no case to adjudicate in this writ petition.

6. This Court is of the view that the recruitment agency is the authority to conduct Physical Measurement Test and in order to give further opportunity, a provision for appeal is also provided and it is for the writ petitioner to avail such facility instead of preferring an appeal before the Deputy Inspector General of Police, he himself appeared before the Doctor at Vellore and obtained a certificate. The genuinity of the certificate cannot be endorsed in this writ petition. Any certificate produced in the absence of any 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.

7. Accordingly, the writ petition deserves no further consideration and the non-selection is in order. Accordingly, the same is confirmed. The other grounds raised in this writ petition deserves no further consideration.

8. 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

dna

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 Narayanan,Advocate sr.56926

W.P. No. 20948 of 2017

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

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