

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No.21107 of 2017
and
W.M.P.No.219581 of 2017

Meena.B

... Petitioner

Vs.

The Member Secretary,
Tamilnadu Uniform Services Recruitment Board,
Old Commissioner of Police Office Campus,
Panthian Road, Egmore,
Chennai - 8.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to participate in the physical fitness test after delivery of the child, for the post of Grade-II Police Constable/Grand-II Jail Warden and Fireman and for other orders.

For Petitioner : M/s.R.Anuradha

For Respondent : Mr.K.Venkata Ramani
Additional Advocate General - VII
Assist by Mr.K.Dhananjayan
Special Government Pleader

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to the respondent to permit the petitioner to participate in the Physical Fitness Test after delivery of the child, for recruitment to the post of Grade-II Police Constable/Grand -II Jail Warden and Fireman.

2. The writ petitioner responding to the notification issued by the respondent calling for recruitment to the post of Grade-II Police Constable, submitted her application and her Enrollment Number is 5200837. The writ petitioner participated in the written test and having succeeded in the written test,

she was called to appear for the Physical Fitness Test. She appeared for the Physical Fitness Test, but the competent authorities found that the writ petitioner is pregnant and found not fit to participate in the Physical Fitness Test.

3. Considering the fact that the writ petitioner is in pregnancy, the authorities had not permitted her to participate in the Physical Verification Test, which will be dangerous for her health, because the writ petitioner has to participate in the long jump and high jump Test. Under these circumstances, the learned counsel for the writ petitioner contended that such Physical Verification Test can be conducted after three months for the writ petitioner, so that she can get herself qualified for recruitment to the Post of Grade-II Police Constable. Such a proposition is unknown to service jurisprudence and no leniency in this regard needs to be shown by this Court. The petitioner has to choose any one and being under family way, the petitioner has to wait for the next selection and it is not for the respondent to conduct the selection process after three months. The selection process undertaken pursuant to the notification should be allowed to be continued in accordance with the time schedule and the writ petitioner being a pregnant women, need not be allowed to participate in such hard Physical Fitness Test and the same will be disastrous to her health condition.

4. Thus, the rejection of the writ petitioner from participating in the Physical Fitness Test is in order and there is no infirmity. The respondent has rightly not permitted the writ petitioner to participate in the Physical Fitness Test.

5. Under these circumstances, no further consideration needs to be shown on the ground raised in this writ petition. However, this Court wishes the writ petitioner for the best in her future and she is free to participate in the next recruitment process by putting her efforts to succeed.

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

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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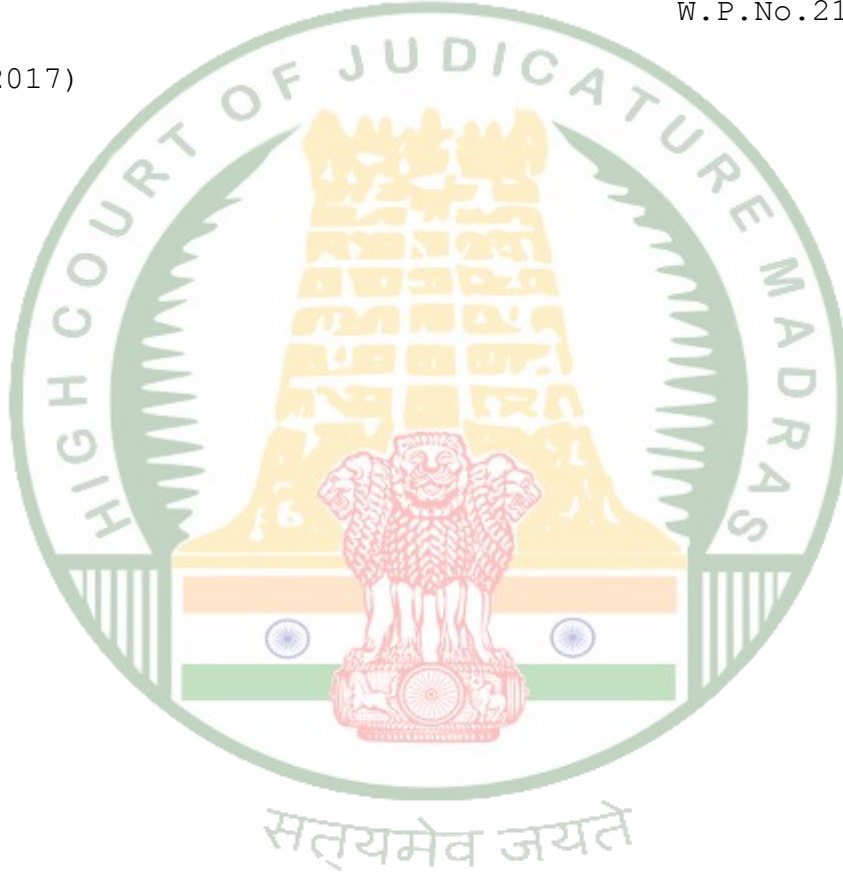
To

The Member Secretary,
Tamilnadu Uniform Services Recruitment Board,
Old Commissioner of Police Office Campus,
Panthian Road, Egmore,
Chennai - 8.

+lcc to Mr.S.Arokia Maniraj, Advocate, S.R.No.57786
+lcc to the Government Pleader, S.R.No.57500

W.P.No.21107 of 2017

CS IV
CA(04/09/2017)



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