

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

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

W.P.No.21203 of 2017 and WMP.Nos.22101 of 2017

M.M.Balu

... Petitioner

Vs.

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-600 002.Respondent

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorified Mandamus directing the respondent to call for the records bearing C No.R2/150/2017 dated 27.07.2017 of the petitioner in Enrollment No.0204932 and quash the same and direct the respondent to conduct the physical fitness test for the petitioner in a fair manner for the recruitment of Grade II Police Constables, Grade II Jail Warden (Men) and Fireman 2017.

For Petitioner : Mr.L.Dhamodaran

For Respondents : Mr.K.Venkatramani, AAG-VII
assisted by K.Dhananajayan, Spl.GP

ORDER

The Order of non-selection issued by the respondent in proceedings dated 27.07.2017 is under challenge in this writ petition.

2. The writ petitioner, in pursuant to the notification for recruitment to the post of Grade II Police Constables in Tamil Nadu Police Services, submitted his application. The writ petitioner had participated in the written examination and subsequently passed. Thereafter, he was called for physical measurement / verification test.

3. The learned counsel appearing for the petitioner contended that the impugned rejection order was passed by

holding that the height of the writ petitioner is 169.5 cms and this was not measured properly and the request for appeal made by the writ petitioner was also not entertained by the Committee constituted for this purpose. Further, the learned counsel stated that the order impugned, was signed by the Chairman, Sub-Committee and the provision for appeal is also to be preferred before the Chairman, Sub-Committee. Thus, there is no point in accepting the impugned order and on this ground alone, the order impugned in this writ petition is to be quashed.

4. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.K.Dhananjayan, learned Special Government Pleader appearing for respondents filed a counter stating that the physical measurement test and the procedures to be followed are very well formulated in the instruction/brochure, 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 the 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. The writ petitioner had also participated in the physical measurement test and his height is found to be 169.5 cm. Thus, the petitioner was disqualified, as they did not have the minimum eligibility height requirement of 170 cm for BC

Category. Accordingly, disqualification slip under proper acknowledgment was issued to the writ petitioner and the same was accepted by the writ petitioner. It is clarified by the respondent in their counter that the writ petitioner had not preferred any appeal for re-measurement, inspite of the fact that there is a provision for the appeal to the Sub-Committee, Chairman, regarding the remeasurement of height and chest. All the said instructions are categorically stated in Column II of the Hall Ticket issued to the candidates who appearing for the physical measurement test / endurance test / physical efficiency test. Thus, there is no infirmity in the order of rejection.

8. 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.

9. The writ petitioner is 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 eligibility height requirement of 170 cm for BC Category. 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'.

10. This apart, the writ petitioner on completion of his physical measurement test at the first level has not raised objection and he accepted the disqualification in height measurement and also acknowledged the disqualification slip and he had not preferred any appeal thereafter, as contemplated under the instructions. Thus, there is no possibility of conducting another measurement in respect of the writ petitioner and accordingly, the writ petition is devoid on merits.

11. The learned counsel appearing for the petitioner contended that no fair procedure has been adopted by the Selection Agency in the physical measurement test and it is not conducted in accordance with the established procedures to conduct the same.

12. However, this Court is unable to accept such contention in view of the fact that the measurement at two levels are prescribed in the instructions and in the brochures and the writ petitioner has not availed the facility of appeal provided in the instruction. There is no proof to show that the writ petitioner had preferred any appeal to the Chairman, Subcommittee for conducting the second physical measurement test. In the absence of any such proof or any representation or objection in that regard, the claim made by the writ petitioner that another measurement is to be conducted, cannot be accepted in this writ petition. Further, in view of the fact that the writ petitioner as per the measurement is not possessing the required height of 170 cm for BC category under the Rules, there is no possibility of considering the case of the writ petitioner for recruitment to the post of Grade II Police Constables in Tamil Nadu Police Services.

13. Hence, the writ petition is devoid on merits and accordingly, stands dismissed. Consequently, connected Miscellaneous Petition is closed. However no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-600 002.

+1cc to Mr.L.Dhamodaran, Advocate sr.58909

+1cc to Government Pleader sr.59293

W.P.No.21203 and WMP.Nos.22101 of 2017

gjII(co)
ss(21/9/2017)



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