

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

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

W.P.No.21205 and WMP.No.22103 of 2017

S.B.Ezhilarasan

... 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 Nos.0207242 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 writ petitioner responding to the notification issued by the respondent for recruitment to the post of Grade II Police Constables in Tamil Nadu Police Services, submitted his application and participated in the written examination. Having succeeded in the written examination, the writ petitioner was called for to participate in the physical measurement test / endurance test / physical efficiency test. The learned counsel appearing for the petitioner contended that the writ petitioner has participated in the physical measurement test and his height was erroneously measured by the respondent as 169 cm. The procedure adopted for conducting physical measurement test was not in accord with the procedures contemplated. In this case, the petitioner has preferred an appeal against the first

measurement made by the authorities. The second measurement was conducted in the presence of chairman / DIG and the same was conducted by using digital machines.

2. The Learned Additional Advocate General appearing for respondent filed a counter 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.

3. 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.

4. 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.

5. 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.

6. The writ petitioners are not able to fulfill the specific instructions given in the notification as well as in the brochure issued in this regard. Thus, the petitioners were disqualified as they 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'.

7. The learned Additional Advocate General contended that the writ petitioner has participated in the physical measurement test in District Sports Stadium, Railway Road, Kancheepuram Centre on 27.07.2017. The petitioner's height has been manually measured with the measuring stand by the Sub-committee members and his height was found to be 169 cms. Thus, the petitioner was disqualified in the height measurement as he did not have the minimum eligibility height measurement of 170cm for BC Category. Accordingly, disqualified slip under proper acknowledgment was issued and the same was accepted by the writ petitioner.

8. The learned counsel appearing for the petitioner contended that the procedures adopted for conducting the physical measurement test was not proper and another measurement has to be conducted by the orders of this Court. The authorities have not adopted the procedures in the established manner and they have conducted in a shabby manner, so as to deprive the right of the writ petitioner for selection to the post of Grade II Constables. The said arguments observes no consideration at all, in view of the fact that the recruitment procedures are already prescribed in the instruction / Brochure supplied to the candidates. The recruitment agency have conducted the physical measurement test at two levels and the candidates have an opportunity to redress their grievances before the Sub-committee, Chairman and second measurement was done by the digital machine and all the events were recorded through videography. Such being the procedure adopted, this Court need not raise any doubt regarding the manner in which the physical eligibility test was conducted. The interference can be entertained only in the event of any malpractices or personal allegation against the Chairman / members who conducted the test or the recruitment. In the absence of any such specific allegation or malpractices in the process of selection, this Court cannot entertain such general allegation made by the writ petitioner in this writ petition. If such kind of pleadings are accepted that the petitioner has not measured properly by the competent authorities, it may not be possible for the State to recruit the persons in accordance with the procedures contemplated. This Court is not an expert body to prescribe the method for conducting the physical measurement test. This Court has to verify the fairness adopted by the recruitment agency and if it is fair and proper, there is no reason to interfere with the findings or disqualification issued in this regard. Except the general allegations, there is no specific allegation with regard to malpractices, during the course of recruitment or selection process. Thus, the ground raised in this writ petition deserves no consideration.

9. Accordingly, the writ petition stands dismissed. Consequently connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

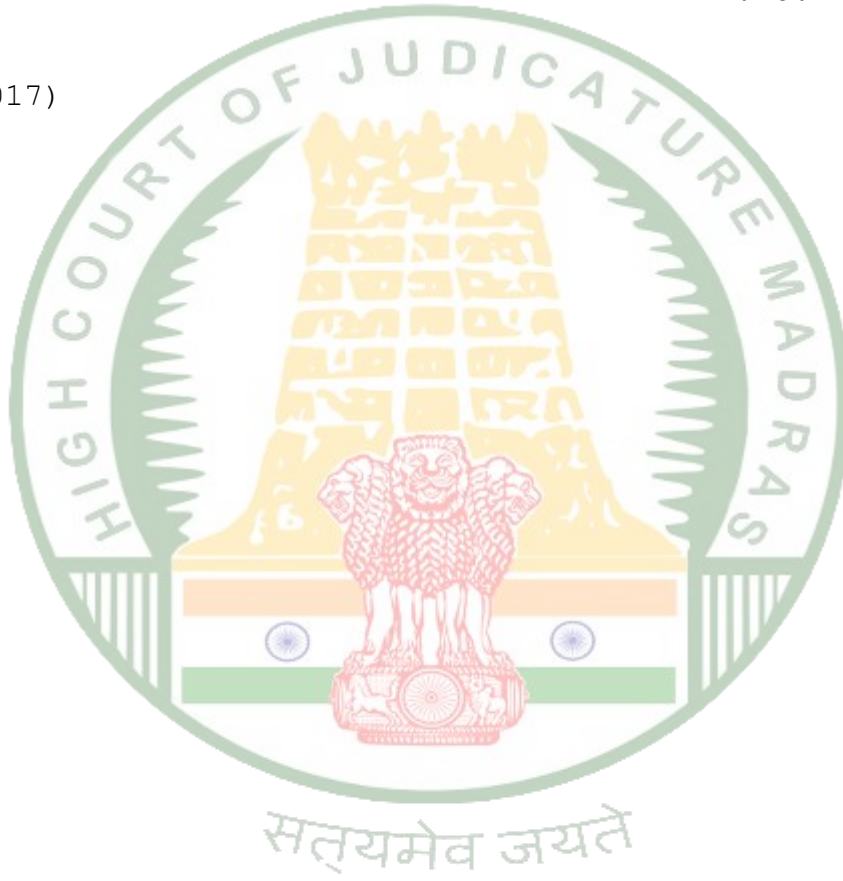
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To
The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-600 002.

+1cc to Mr.L.Dhamodaran, Advocate sr.58911

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ss(21/9/2017)



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