

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P. No.22232 of 2017

and

WMP.Nos.23265,23266 of 2017

M.Ramkumar

...Petitioner

Vs

1. Tamilnadu Uniformed services,
Recruitment Board,
Chennai - 600 008,
Rep by its Chairman

2.The Member Secretary
Tamilnadu Uniformed services,
Recruitment Board,
Chennai - 600 008.

3.The Chairman/Member
Sub Committee,
Coimbatore Centre,
Tamilnadu Uniformed services,
Recruitment Board,
Chennai - 600 008.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus or any other writ or order or direction in the nature of writ to calling for the records of the third respondent, relating to the order in Cno.R2/150/2017 dated 28.07.2017, to quash the same and to issue consequential directions to the respondents to take re-measurement of the height of the petitioner (Enrolment No. 1304555) by impartial officers other than those who took measurement of his height on 28.07.2017, ascertain actual height and if qualified, allow him to participate in the other stages of the selection in proceedings for recruitment as Police Constable (men), Grade II for 2017.

For Petitioner : Mr.J.Muthukumaran

For RR 1 to 3 : Mr.K.Venkataraman, Additional Advocate

General-VII assisted by

Mr.K.Dhananjayan, SPL GP

ORDER

The order of disqualification issued against the writ petitioner in proceedings dated 28.07.2017 is under challenge in this writ petition. The writ petitioner pursuant to the notification issued by the respondents for recruitment to the post of Grade II Constables, submitted his application and participated in the written examination. The writ petitioner has successfully completed his written examination and received a call letter to appear for physical eligibility test / physical endurance test / physical efficiency test. The writ petitioner participated in the physical eligibility test and his height was measured as 166.5 cm. The minimum height required for selection is 167 cm for the candidates belonging to Scheduled Caste community. However, the writ petitioner did not have the minimum required height of 167 cm and therefore, he was not selected and disqualification slip was issued by the Chairman / Member, Sub-committee, Coimbatore Centre on 28.07.2017.

2. The learned counsel appearing for the petitioner contended that the measurement was not taken properly and in fact the officers who have conducted the measurement, was so hurry and not conducted the measurement accurately. Thus, one more opportunity to be provided to the writ petitioner for conducting the measurement in respect of the height.

3. The Learned Additional Advocate General appearing on behalf of the respondents contended that it is not a case as if the writ petitioner challenges the first time measurement test. In fact not satisfied with the measurement taken by the Field Officer, the writ petitioner made an appeal to the Chairman and the second measurement in the presence of

the Inspector General of Police was conducted by using a digital machine to measure the height of the writ petitioner. Even during the digital measurement, there was no improvement in the height of the writ petitioner and it was only 166.5 cm. Thus, non-selection of the writ petitioner is in order and there is no infirmity on the part of the respondents in conducting the measurement. When the writ petitioner has availed an opportunity of appeal and even during the appeal, the measurement was done by using digital machine, this Court is of the opinion that third measurement cannot be ordered to be conducted and such type of continuous measurement will not serve any purpose and the writ cannot be entertained in this regard.

4. Any writ petition challenging the process of selection can be entertained only in the event of certain malpractices, corruptive activities or if the selection is conducted, contrary to the statutory rules but not otherwise. In the absence of any of this serious allegation in the process of selection, this Court cannot issue any direction to the recruiting authorities to conduct height measurement and the physical eligibility test repeatedly. In the case of writ petitioner, the measurement was taken originally by the authorities and subsequently by the appellate authorities in the rank of DIG. Such being the factum of the case, no further consideration on the grounds raised in this writ petition is required to be undertaken.

5. Accordingly, the writ petition stands dismissed. However no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman Tamilnadu Uniformed services,
Recruitment Board,
Chennai - 600 008,

2. The Member Secretary
Tamilnadu Uniformed services,
Recruitment Board,
Chennai - 600 008.

3. The Chairman/Member
Sub Committee,
Coimbatore Centre,
Tamilnadu Uniformed services,
Recruitment Board,
Chennai - 600 008.

+ 1 cc to Mr. J. Muthukumaran, Advocate Sr.60122
+ 1 cc to Government Pleader Sr.60561

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PVS (CO)
Eu 15.09.17