

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM

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

W.P.No. 22521 and WMP.Nos.23641 and 23642 of 2017

G.Gopinath

... Petitioner

Vs.

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

2.The Chairman,
Recruitment Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.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 of the 2nd respondent dated 27.07.2017 made in C.No.R2/150/2017 (Enrollment No.0207042), quash the same as illegal and consequently direct the respondents to conduct physical measurement test (Height) to the petitioner afresh by a qualified physical Director and further direct the respondents allow the petitioner to participate in other test of selection process for appointment for the post of Grade II Police Constable / Grade II Jail Warden and Fireman conducted pursuant to the notification bearing Exam Index No.1 and Advertisement No.117 issued by the 1st respondent.

For Petitioner : Mr.R.Murali

For RR 1 and 2 : Mr.K.Venkatramani, AAG-VII
assisted by K.Dhananajayan, Spl.GP

ORDER

The Order of non-selection issued against the writ petitioner by the respondents in proceedings dated 27.07.2017 is

under challenge in this writ petition.

2. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.K.Dhananjayan, learned Special Government Pleader appearing for respondents submits that the writ petitioner, pursuant to the notification issued for recruitment to the post of Grade II Police Constable/Jail Warden and Fireman, submitted his application and participated in the written examination and subsequently passed. Thereafter, he received a call letter to appear for physical measurement test / endurance test / efficiency test. The writ petitioner participated in the test and his Height was measured as 169.5 cm. The minimum required Height as per the recruitment rules is 170 cm. Thus, the writ petitioner was disqualified.

3. The learned counsel appearing for the respondents further produced a form submitted by the writ petitioner and contended that the writ petitioner has not availed the benefit of appeal in spite of the fact that Provision of appeal is very well issued in the instruction / brochure, even before appearing for the examination. Further, it is stated that the first measurement will be taken by the Officers and on appeal, the second measurement will be conducted in the presence of Deputy Inspector General of Police. Since, the writ petitioner has not availed the benefit of appeal, he cannot plead that another measurement has to be taken in this regard.

4. It is relevant to extract the following rules:

"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. 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.

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 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'.

5. This apart, the selection process had been conducted by the Selection Committee and the events were videographed by the respondents and the appeal provision is also provided. However, the writ petitioner is not availed the benefit of appeal provided in the instruction / brochure, issued to the candidates even before the test conducted. Under these circumstances, the claim of the writ petitioner that yet another measurement is to be taken, cannot be accepted in this writ petition. As per the selection, the measurement taken stands against the writ petitioner and accordingly, the writ petitioner is not having the minimum required height as prescribed under the rules.

6. Thus, the grounds raised in this writ petition cannot be considered, in view of the fact that there is no irregularity or illegality in the process of selection nor any allegation of malafide or corrupt practices established in this writ petition.

7. 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 V)

//True Copy//

Sub Assistant Registrar

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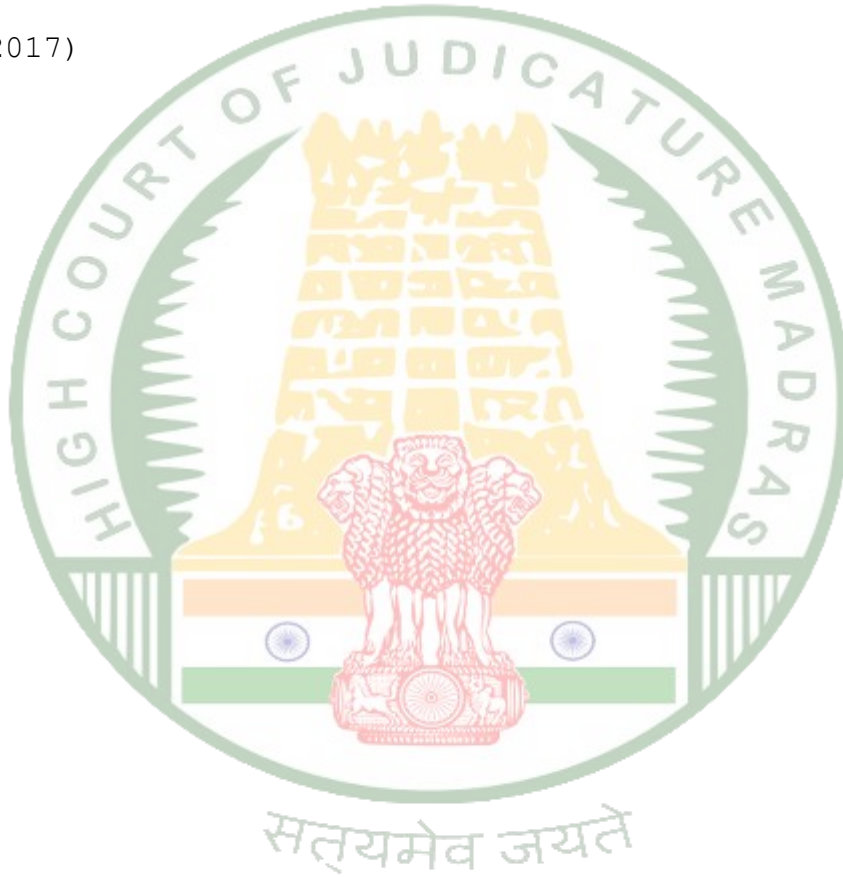
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+1cc to Mr.R.Murali, Advocate, S.R.No.60793
+1cc to the Government Pleader, S.R.No.61032

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GN(18/09/2017)



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