

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.36937 of 2004

A.Selvi

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai-9.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
807, Anna Salai, Chennai-2.

3.The Director General of Police,
Chennai-4.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent Board viz. Tamil Nadu Uniformed Services Recruitment Board at 807, Anna Salai, Chennai-2 in Ref.C.No.D1/1443/2001 on the file of the office of the Director General of Police and Chairman of Tamil Nadu Uniformed Services Recruitment Board dated 29.10.2004 and quash the same and to direct the respondents herein to appoint the petitioner herein as Grade-II, Women Police Constable as per order of the respondent Board dated 18.02.2000.

For Petitioner : No appearance

For Respondent: Ms.K.Bhuvaneswari, Govt. Advocate

O R D E R

The petitioner has filed this writ petition challenging the order dated 29.10.2004, wherein, the Director General of Police and Chairman, Tamil Nadu Uniformed Services Recruitment Board, held that the petitioner had been disqualified in 100 metres re-run test.

2. A perusal of the counter affidavit reveals that similarly placed persons filed Original Applications before the Tamil Nadu Administrative Tribunal challenging their disqualification in the 100 metres re-run test and the Tribunal, by order dated 20.12.2000, set aside the re-run test conducted by the 2nd

respondent/Board. The Writ Petitions in W.P.Nos.4759, 10925 to 10935, 4761, 3626 to 3630, 4631, 4653 and 4649 of 2001 filed by the 2nd respondent/Board were dismissed by the Hon'ble Division Bench vide common order dated 05.08.2004, directing the 2nd respondent/Board to hold a fresh 100 metres running test. The relevant portion of the order as follows :

"25. For the aforesaid reasons, the writ petitions are allowed and the order passed by the Tribunal is quashed. However, the writ petitioners are directed to hold a fresh 100 metres running test in the presence of responsible superior officers at an appropriate place with proper marking. This should be done by giving the candidates sufficient time of atleast one month to prepare themselves and if any of the candidates secures pass marks, the question of their selection is to be considered. The Government of course, is free to appoint other candidates in respect of whom no dispute has been raised. No Costs."

3. Thereafter, as per the direction of the Division Bench of this Court, the respondent has conducted re-run test in the presence of the Superior Officers viz. [1] V.Balachandran, IPS, Addl. DGP & Member, TNUSRB, [2] K.P.Mahendran, IPS, IG of Police, EOW, Chennai, [3] M.Kandasamy, S.P., Dindigul District and [4] Kayalvizhi, Addl. S.P., Crimes, Dindigul and issued a disqualification slip dated 29.10.2004 in C.No.D1/1443/2001 to the petitioner. Challenging the same, the present writ petition is filed.

4. Since the petitioner has been disqualified in the 100 metres re-run test, which was conducted in the presence of the Superior Officers, it is not for this Court to decide on the technical issue, as to why the petitioner was disqualified in the re-run test, that too after a period of 14 years. In my considered opinion, nothing survives for adjudication in this writ petition. Accordingly, this writ petition is dismissed. No costs.

sd/-

Assistant Registrar

सत्यमेव जयते

/True Copy/

Sub Assistant Registrar

gya

To

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai-9.

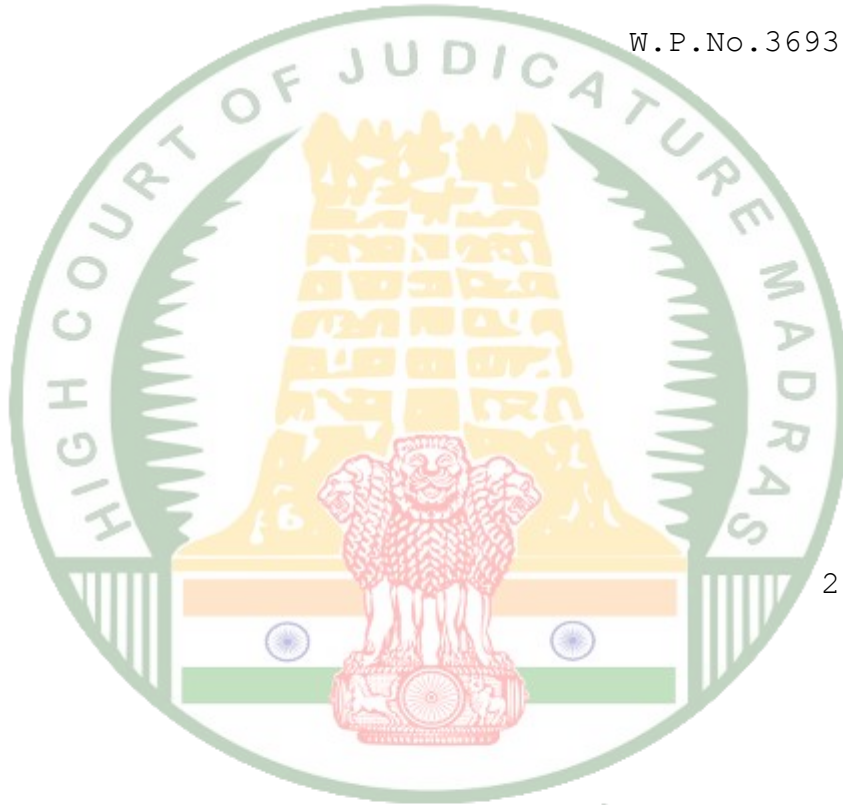
2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
807, Anna Salai, Chennai-2.

3.The Director General of Police,
Chennai-4.

+1 CC Mr.GOV'T. PLEADER Advocate SR.No.62882

W.P.No.36937 of 2004

SR (CO)
EGR 05/10/2017



29.08.2017

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