



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.(MD)No.1530 of 2014

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai-600 002.

2.The Chairman/Member,
Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Ramanathapuram Centre,
Ramanathapuram.

.. Appellants/Respondents

Vs.

Kanimadevi
Respondent/Petitioner

..

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the common order dated 12.09.2012 made in W.P.(MD) No.11676 of 2012.

Prayer in WP(MD). 11676/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order vide R.C NO. R1/4344/2011 dated 24.08.2012 on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to remeasure the petitioner' s height and allow the petitioner to participate in the other events, if the petitioner has the required height .

For Appellants : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For Respondent : No Appearance

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J)

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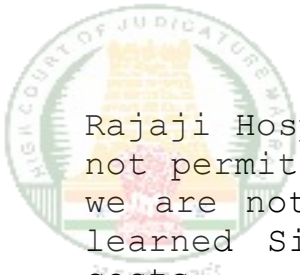
This writ appeal is directed against the order dated 12.09.2012 made in W.P.(MD)No.11676 of 2012 filed by the respondent herein.

2.The respondent was one of the candidates who applied for being selected for the post of Grade II Police Constable (Men/Women)/Grade II Jail Warders(Men) and Fireman for the year 2012. The respondent belongs to scheduled caste category. The height fixed for the women SC was 157 cm. During the selection process, when the height of the respondent was measured, she was said to be only 156.7 cm. Aggrieved by the said measurement, the respondent herein made an appeal for re-measurement. But the authorities took the stand that the respondent herein did not possess the required height and that therefore, she was not qualified. An order of rejection dated 24.08.2012, was also passed by the second appellant herein. Hence, the respondent herein filed W.P.(MD)No.11676 of 2012. The writ petition filed by the respondent herein was taken up along with a batch and a direction was given to the Dean, Madurai Government Rajaji Hospital to measure the height of the candidates and submit a report to the Court. The Dean, Madurai Government Rajaji Hospital, personally measured and found that the respondent herein was having a height of 160 cm. Thereupon, the learned Single Judge quashed the impugned order and allowed the writ petition. A writ, in the nature of Mandamus was issued directing the appellants herein to allow the writ petitioners to participate in the further selection process. It is against this order, the present writ appeal has been filed.

3.Heard the learned Additional Government Pleader for the appellants and the learned counsel for the respondent.

4.The only grievance made by the learned Additional Government Pleader is that measurement by the Dean, Madurai Government Rajaji Hospital, was done in the absence of the representatives of the appellants. The appellants were not permitted to be present, when the measurement was so carried out.

5.This contention of the appellants cannot be accepted. The measurement was done by a committee comprising three doctors. It was personally carried out by the Dean, Madurai Government Rajaji Hospital. The entire exercise was done in the presence of the ~~Deputy Registrar~~ of this Court. All this ought to inspire the highest confidence in the entire exercise. It is not the case of appellants that the measurement of the Dean, Madurai Government



Rajaji Hospital, is incorrect. Merely because the appellants were not permitted to be present, when the measurement was carried out, we are not inclined to interfere with the order passed by the learned Single Judge. This appeal is dismissed accordingly. No costs.

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Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai-600 002.

2.The Chairman/Member,
Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Ramanathapuram Centre,
Ramanathapuram.

+One cc to The Special Government Pleader, SR.no.70933

MRN/VS

RL/4C/3P/GT/SAR1/1/9/2017

Judgment made in

W.A. (MD) No.1530 of 2014

03.08.2017