



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.1252 of 2017

and

C.M.P. (MD) No.8795 of 2017

P.Karthikeyan

... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Home Department, Secretariat,
Chennai.

2.The Chairman,
Tamil Nadu Uniformed Service
Recruitment Board,
Pantheon Road, Egmore, Chennai.

3.The Director General of Police,
Santhome, Chennai.

4.The Chairman,
Recruitment Sub-Committee,
Virudhunagar Centre,
Virudhunagar District.

... Respondents/Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 09.08.2017 passed by the learned Judge in WP(MD)No.14306 of 2017 and allow the writ petition.

Prayer in WP(MD). 14306/ 2017 :

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 disqualifications slip issued by the 4th respondent in his proceedings in C.No. R2/150/2017 dated 27.07.2017 and quash the same as illegal and consequentially to direct the respondents to permit the petitioner to undergo further selection process in pursuance of the physical measurement tests in respect of Recruitment for the post of Grade II Police Constables (Men, Women and Third Gender), Grade -II Jail Warders (Men and Women) and Fireman for the year 2017.



For Appellant
For Respondent

: Mr.Mohamed Imran
: Mr.B.Pugalendhi,
Additional Advocate General Assisted by
Mr.A.K.Baskarapandian, AGP

WEB COPY

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

This writ appeal is directed against the order dated 09.08.2017 made in WP(MD)No.14306 of 2017 filed by the appellant herein.

2.The appellant herein took part in the recruitment process for the post of Grade II Police Constables (Men, Women & Third Gender), Grade II Jail Warders (Men & Women) and Firemen for the year 2017. The minimum height required is 170 c.m. The writ petitioner's height was measured and he was found to be having a height of 169.5 c.m. Therefore, he was issued with disqualification slip dated 27.07.2017. To quash the same, he filed WP(MD)No.14306 of 2017. The learned Judge saw the video recording and came to the conclusion that the video recording showed the petitioner's height to be as that of 169.5 c.m. Therefore, finding no merit in the writ petition, the learned Single Judge dismissed the same. Aggrieved by the order of dismissal, this writ appeal has been filed.

3.When the recruiting authority as well as the learned Single Judge chose to come to a factual finding that the writ petitioner did not possess the minimum height requirement for the post in question, this Court cannot interfere with the same. In such matters, there cannot be a further factual enquiry. That apart, recruitment process is also over. The disqualification order was issued on 27.07.2017. The order of dismissal was made on 09.08.2017. The Honourable Supreme Court has directed that the entire recruitment process should be finished on or before 31.08.2017. Therefore, at this point of time, this Court is not in a position to conduct a roving enquiry. Therefore, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.The Secretary, Home Department, Secretariat, Chennai.



2.The Chairman, Tamil Nadu Uniformed Service Recruitment Board,
Pantheon Road, Egmore, Chennai.

3.The Director General of Police, Santhome, Chennai.

4.The Chairman, Recruitment Sub-Committee, Virudhunagar
Centre, Virudhunagar District.

+1cc to Special Government Pleader, SR.No. 79986

W.A. [MD].No.1252 of 2017
and
C.M.P. (MD) No.8795 of 2017
19.09.2017

skm/arul
JM/SKN RSK/SAR 2/13.10.2017/3P/6C