



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.A(MD)No.1383 of 2017
and
C.M.P(MD)No.9907 of 2017

Muthuraj

.. Appellant/Petitioner

.vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road,
Egmore, Chennai -08.

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli,
Tirunelveli District.

3.The Superintendent of Police,
District Police Office,
Tirunelveli,
Tirunelveli District.

.. Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order of this Court in W.P(MD)No.16124 of 2017 dated 28.08.2017.

Prayer in WP(MD)No.16124/2017:-

Writ Petition is filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in R.C.No.A2/150/2017 dated 28.07.2017 and quash the same.

For Appellant : Mr.V.Sankara Narayanan
For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by M.VENUGOPAL.,J.]

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

Heard both sides.



2. The Appellant/Writ Petitioner has filed the instant Writ Appeal as against the order dated 28.08.2017 in W.P(MD)No.16124 of 2017 passed by the Learned Single Judge.

3. Earlier, this Court on 28.08.2017 in the impugned order in W.P(MD)No.16124 of 2017 (filed by the Appellant/Writ Petitioner) at Paragraph Nos.4 and 5 had observed the following and dismissed the Writ Petition:

"4. It is an admitted fact that the Petitioner took part in the 1,500 meters running event on 28.07.2017 and on the very same day, he was found disqualified by the respondent department. While so, it is not known as to why the petitioner has not approached the Court immediately.

5. When the similar candidates who were issued with similar disqualification slips approached this Court well in time, this Court considered their cases and gave directions to the respondents to re-consider all doubtful cases by giving them chances of re-measurement of height, chest, long jump, shot put, rope climbing, 100 meters, 400 meters and 1500 meters running event and the said process is going to be over shortly. While so, the petitioner cannot approach this Court belatedly. The reason is that giving time to issue notice to the respondents and taking their response will delay the completion of the recruitment process as ordered by the Hon'ble Apex Court in Writ Petition (Civil) No.183 of 2013 (Manish Kumar vs. Union of India and others) dated 24.04.2017. Therefore, this Court is unable to entertain this writ petition."

4. Being dissatisfied with the dismissal order dated 28.08.2017 in W.P(MD)No.16124 of 2017 passed by the Learned Single Judge, the Appellant/Writ Petitioner has preferred the instant intra-Court Writ Appeal by taking a plea that the Learned Single Judge should have considered the fact that the Appellant is a Sportsman in the field of Hockey and hence, he could easily complete the qualifying race of 1500 metres within the prescribed time limit of 7 minutes.

5. The Learned Counsel for the Appellant projects an argument that the Learned Single Judge should have considered yet another fact that although the Appellant had completed the qualifying race of 1500 metres within 7 minutes, the Referee simply ignored the qualification of the Appellant.

6. Lastly, it is the plea of the Appellant that although the Appellant was disqualified by the Referee, the latter had failed to inform the Appellant/Writ Petitioner in how many minutes did he finish the race of 1500 metres.



7. Per contra, it is the submission of the Learned Additional Government Pleader for Respondent Nos.1 to 3 that the Appellant had completed 1500 metres race within 7 minutes and 25 seconds, which is more than the fixed time limit of 7 minutes and therefore, he was rightly disqualified by the Authorities concerned. As a matter of fact, it is represented on behalf of the Respondents that the Appellant/Writ Petitioner had affixed his signature in the Coding Sheet of the First Respondent/Tamil Nadu Uniform Services Recruitment Board.

8. Perusal of the Coding Sheet shows that in Serial No.III, under the head 'Endurance Test', it is mentioned that in respect of men, to get qualified in the race of 1500 metres, they have to complete the running event in 7 minutes. As far as the present case is concerned, the Appellant/Petitioner had completed the 1500 metres running race in 7 minutes and 25 seconds, which is beyond the fixed time limit of 7 minutes.

9. Viewed in that perspective, the Appellant/Writ Petitioner was rightly disqualified by the Authorities concerned. In short, this Court holds without any hesitation that the view taken by the Learned Single Judge in dismissing the Writ Petition is free from any legal flaw. Resultantly, the Writ Appeal fails.

10. In fine, the Writ Appeal is dismissed leaving the parties to bear their own costs. The order passed by the Learned Single Judge in W.P(MD)No.16124 of 2017 dated 28.08.2017 in dismissing the Writ Petition, is affirmed for the reasons assigned in this Writ Appeal. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore, Chennai -08.
 - 2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli, Tirunelveli District.
 - 3.The Superintendent of Police,
District Police Office,
Tirunelveli, Tirunelveli District.
- +One cc to The Special Government Pleader, SR.No.91152
pm
RL/5C/3P/SKN/RSK/SAR1/21/12/2017