



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14785 of 2017

and

WMP (MD) No.11623 of 2017

P.Vijayakumar

... Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-8.

2. The Chairman Sub Committee,
Tamil Nadu Uniformed Services,
Recruitment Board,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent's impugned order in Rc.No.R2/150/2017 dated 03.08.2017 and quash the same as illegal and consequently direct the respondents to conduct the re-measurement to the petitioner in the Long Jump Event in the ongoing combined recruitment for the post of Grade-II Police Constables (Men & Women and Third Gender), Grade-II Jail Warders (Men & Women) and Firemen for the year 2017 and proceed further in accordance with law.

For Petitioner	: Mr.V.Thirumal
For Respondents	: Mr.B.Pugalendhi
	Additional Advocate General
	Assisted by
	Mr.A.K.Baskarapandian
	Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.



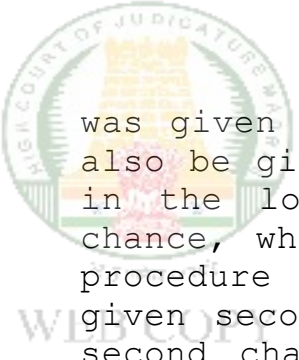
3. The petitioner, having the requisite educational qualifications, applied for the post of Grade - II Police Constables / Grade-II Jail Warders / Fireman - 2017, when applications were called for by the respondent Police Department. Subsequently, after passing the written examination, the petitioner was called for the Physical Endurance Test. After joining a private coaching centre at Paraipatti Village in Tirunelveli District, he claimed to have taken a training for Grade-II Police Constable for about six months to take part in the Police Recruitment for the post of Grade-II Police Constable.

4. The learned counsel for the petitioner submitted that when he has actively participated in all the tests, namely, written examination, after finding his past performance, he was also called to take part in the Physical Efficiency and Endurance Test held at St.Xavier College ground, Near krishna Hospital, Palayamkottai from 27.07.2017 to 03.08.2017. He has also successfully passed the Physical Endurance Test, namely, 1500 meter Running Race and the last event, namely, Rope Climbing, he has also succeeded. But, on 03.08.2017, when the long jump event was conducted, he jumped beyond the requirement, but the officials of the 2nd respondent did not accept his performance. Therefore, he was directed to go for second chance. But, unfortunately, he was declared fail in the long jump. As the petitioner has taken sufficient training by taking part in the coaching centre at Paraipatti Village, Tirunelveli, the respondent cannot hurriedly held that the long jump test without giving a reasonable chance to the petitioner, he contended.

5. However, this Court find it very difficult to entertain the submission made by the learned counsel for the petitioner. The reason is that he has admitted that after participating in all the Physical Efficiency Test and Physical Measurement Test, he was declared pass and he had to pass only the long jump event, which was conducted on 03.08.2017, in which, he was asked to go for second chance. It shows that in the first chance, which he claims to have done successfully, it was not accepted for the reasons known to them. In any event, when the 2nd chance given to the petitioner, fairly, he has not done his satisfactory performance. Therefore, this Court is not in a position to entertain any such complaint at this level.

6. At this juncture, the learned Additional Advocate General placing on record a Division Bench order dated 18.11.2010 submitted that when factual aspects are all involved, such disputed contentions cannot be investigated by this Court under Article 226 of the Constitution of India.

<https://hcservices.ecourts.gov.in/hcservices/> 7. In view of all the above, this Court, as mentioned above, is unable to find any justification for the petitioner to make complaint against the respondents on the ground that when he



was given second chance to take part in the long jump, he should also be given third chance. The reason is that when he took part in the long jump in the first occasion, he was given second chance, which may be for the reason that he has not followed the procedure or he has committed some mistake. Therefore, he has given second chance to take part in the long jump. Even in the second chance, he failed and therefore, he cannot come to this Court questioning the rejection. Hence, the writ petition fails and the same is dismissed. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-8.
2. The Chairman Sub Committee,
Tamil Nadu Uniformed Services,
Recruitment Board,
Tirunelveli.

+1cc to The Spl.Government Pleader Sr.No.72382
+1cc to Mr.V.Thirumal, Advocate Sr.No.71750

DSS

VB/KK/SAR3/24/10/2017/3P/5C

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