



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15263 of 2017

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W.M.P. (MD) Nos.12125 and 12126 of 2017

and

W.P. (MD) No.15264 of 2017

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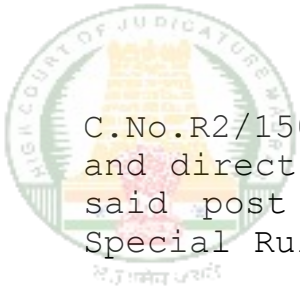
W.M.P. (MD) Nos.12127 and 12128 of 2017

R.Ramesh	.. Petitioner in W.P.(MD) No.15263/2017
M.Maria Francis	.. Petitioner in W.P.(MD) No.15264/2017

Versus

1. The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
Pantheon Road,
Egmore,
Chennai.
2. The Director General of Police,
Santhome,
Chennai.
3. The Deputy Inspector General of Police,
Trichy Zone,
The Chairman, Recruitment Sub - Committee,
Tamil Nadu Uniformed Service Recruitment Board,
Trichirappalli Centre,
Trichirappalli. .. Respondents in both W.Ps.

Prayer in both W.Ps.: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notification issued by the first respondent in Advertisement No.117, dated Nil, for general selection to the post of Grade II Police Constables (Male / Female), Jail Wardens (Male) and Fire Man (Male) for the year 2017 insofar as it does not provide for exemption to the ex-servicemen in physical tests (physical measurement test, physical endurance test and physical efficiency test), also concerned and consequentially the disqualification slip issued by the third respondent in his proceedings in



C.No.R2/150/2017, dated 03.08.2017 and quash the same as illegal and direct the respondents to appoint the petitioners to the above said post in conformity with Annexure II r/w. Rule 14 of the Special Rules for Tamil Nadu Police Subordinate Service.

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For Petitioners : Mr.S.Mahalingam
(in both the W.Ps.)

For Respondents : Mr.A.K.Baskarapandian
(in both the W.Ps.) Special Government Pleader

COMMON ORDER

Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal.

2.The petitioners have come to this Court challenging the impugned disqualification slip issued to them, who are Ex-servicemen.

3.The petitioners having joined Indian Army on 23.09.2000 and 20.09.1999 respectively and discharged from Indian Army Service, have now applied for the post of Combined Recruitment of Grade - II Police Constables/Grade - II Jail Warders/Fireman - 2017.

4.The learned counsel for the petitioners would submit that as per the notification issued by the respondent inviting eligible candidates for the post of Combined Recruitment of Grade - II Police Constables/Grade - II Jail Warders/Fireman - 2017, all the candidates applied under the Ex-Serviceman quota, have to undergo physical test, which consists of physical measurement test, physical endurance test and physical efficiency test on par with general candidates. As per Rule 14 of the Special Rules for Tamil Nadu Police Subordinate Service [in short 'the Rules'] r/w. Annexure II, all Ex-Servicemen, viz., the Ex-Servicemen served as Drivers, Auto Mechanics, Auto-Electricians and Armourers shall be exempted from undergoing physical measurement test and physical efficiency test for the post of Grade - II Police Constable. Therefore, the respondents cannot compel the petitioners to undergo physical measurement test and physical efficiency test against Rule 14 of the Rules.

5.Drawing the notice of this Court to Explanation (i) and (ii) appended to Annexure - II of the Rules in respect of Ex-Servicemen, the learned counsel for the petitioners submitted that in similar circumstances, this Court also disagreeing with the stand of the respondents insisting upon the Ex-Servicemen to undergo physical measurement test and physical efficiency test, held that Ex-servicemen are exempted from undergoing physical measurement test and physical efficiency test. While so, ignoring



the Rule, exemption granted under Rule 14 of the Rules and also the ratio laid down by this Court in the case of **M.Parthiban Vs. The State of Tamil Nadu, Rep. by the Secretary to Government, Home Department, Chennai - 9 and others** reported in 2012 (7) MLJ 826, the respondents cannot compel the petitioners once again to undergo physical measurement test and physical efficiency test for the post of Grade - II Police Constable.

6.It is relevant to extract Explanation (i) and (ii) appended to Annexure - II of the Rules.

'Explanation.-(i) The total percentage under sports quota and quota for dependents for serving Police Personnel etc shall not exceed 20%.

(ii) Ex-Servicemen served as Drivers, Auto Mechanics, Auto-Electricians and Armourers shall be exempted from undergoing physical measurement test and Physical Efficiency Test for the post of Gr. II PC.'

7.The learned Special Government Pleader appearing for the respondents submitted that although Rule 14 of the Rules r/w. Annexure II exempts all the Ex-Servicemen served as Drivers, Auto Mechanics, Auto-Electricians and Armourers from undergoing physical measurement test and Physical Efficiency Test for the post of Grade - II Police Constable, in the year 2014, the Government have issued G.O.(Ms)No.998, Home [Police VI] Department, dated 27.12.2014, deleting the provision namely, Explanation-II appended to Annexure - II of the Rules, granting exemption to Drivers, Auto Mechanics, Auto-Electricians and Armourers from undergoing physical measurement test and Physical Efficiency Test for the post of Grade - II Police Constable. Therefore, the petitioners cannot ask any more exemption, as there is no provision to enjoy exemption from undergoing physical efficiency test.

8.I fully agree with the submission made by the learned Special Government Pleader appearing for the respondents. This Court is unable to entertain the writ petition. Moreover, G.O. (Ms)No.998, Home [Police VI] Department, dated 27.12.2014, has done away with the exemption provision granted in favour of Ex-Servicemen served as Drivers, Auto Mechanics, Auto-Electricians and Armourers etc.

9.In the light of the above, these Writ Petitions fail and the same are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

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

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

3. The Deputy Inspector General of Police,
Trichy Zone,
The Chairman, Recruitment Sub - Committee,
Tamil Nadu Uniformed Service Recruitment Board,
Trichirappalli Centre,
Trichirappalli.

+1cc to The Special Government Pleader in SR.No.73050 & 73051

mm/smn2

AE/SV MMS/SAR3/11.09.2017/4P/5C

W.P. (MD) Nos.15263 and 15264 of 2017
16.08.2017