



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15325 of 2017

and

W.M.P. (MD) Nos.12138 and 12139 of 2017

Raja, S/o.Ramamoorthy

.. Petitioner

Versus

1. The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
807, 2nd Floor, Anna Salai,
Chennai - 600 002.

2. The Chairman / Sub Committee,
Tamil Nadu Uniformed Service Recruitment Board,
Egmore, Chennai - 8.

3. The Superintendant of Police,
Virudhunagar,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in C.No.R2/150/2017, dated 05.08.2017 and quash the same and consequently direct the respondents to reserve one post of Combined recruitment of Grade - II Police Constables / Grade - II Jail Warders / Firemen - 2017 and consequently to direct the respondent to consider the petitioner for appointment to the post in conformity with Annexure II r / w Rule 14 of the Special Rules for Tamil Nadu Police Subordinate Service.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

Mr.A.K.Baskarapandian, learned Special Government Pleader
<https://hservices.courts.gov.in/hservice/es/> takes up the case for the respondents. By consent, the Writ Petition is taken up for final disposal.



2.The petitioner has come to this Court challenging the impugned disqualification slip issued to him, who is an Ex-serviceman.

3.The petitioner having joined Indian Army as Armourer, 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 petitioner 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 petitioner 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 petitioner 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 petitioner 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

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 petitioner 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, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
807, 2nd Floor, Anna Salai,
Chennai - 600 002.

2. The Chairman / Sub Committee,
Tamil Nadu Uniformed Service Recruitment Board,
Egmore, Chennai - 8.



3. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

+1 cc to Mr.P.Subbaraj , Advocate in SR.No. 72721

+1 cc to The Special Government Pleader in SR.No.73052

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AE/KP/SAR2/07.09.2017/4P/6C

W.P. (MD) No.15325 of 2017
16.08.2017