



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
W.P.(MD)No.15516 of 2017

and
W.M.P.(MD)No.12278 of 2017

T.Thavamari

... Petitioner

vs.

1.Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Chairman,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-600 008.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-600 008.

3.The Chairman Sub-Committee/Member,
Virudhunagar Centre & Inspector General
of Police,
Crimes, Chennai,
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-600 008.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the third respondent herein in C.No.R2/150/2017, dated 27.07.2017 and to quash the same and consequently, direct the respondents to permit the petitioner to participate in the remaining physical endurance test and physical efficiency test relating to the recruitment for the post of Grade-II Police Constables/Jail Warden/Firemen-2017.

For Petitioner
For Respondents

: Mr.G.Chandrasekar
: Mr.B.Pugalendhi
Additional Advocate General
Assisted by
Mr.A.K.Baskara Pandian,
Special Government Pleader

O R D E R

The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the third respondent against the petitioner vide his proceedings in C.No.R2/150/2017, dated 27.07.2017, to quash the same and consequently, direct the respondents to permit the petitioner to participate in the remaining physical endurance test and physical efficiency test in Combined Recruitment of Grade-II Police Constables/ Grade-II Jail Warders/Firemen-2017.

2.The impugned order has been questioned on the ground that during physical efficiency test, the petitioner's height had not been measured properly, hence, the impugned order is sought to be set aside.

3.Considering the said submission, this Court directed the learned Additional Advocate General to produce the videographs taken by the respondents during the selection process to the aforementioned posts.

4.Today, when the matter was taken up for hearing, the videographs in respect of height measurement of the petitioner has been displayed before this Court in the presence of the petitioner and his counsel. The video clipping/recording shows that the height of the petitioner has been measured as 166.5 c.m. by manual measurement and 167.1 c.m. by digital measurement. There is a glaring difference between these two measurements.

5.Heard both sides.

6.Some of the candidates who qualified in the written test conducted by the Tamil Nadu Uniformed Services Recruitment Board for the common recruitment to the posts of Grade-II Police Constables (Men, Women & Third Gender), Grade-II Jail Warders (Men & Women) and Firemen for the year 2017 are rushing to this Court, complaining careless measurement of their heights, chest, rope climbing test, long jump, 100 meters, 400 meters and 1500 meters running events etc. In some of the disqualification slips issued against the failed candidates, the height and chest measurement have not been mentioned, most of the petitioners have taken usual ground that the impugned orders are passed without application of mind. Even some of the candidates who failed in the long jump event have come to this Court repeatedly complaining that their exact length or the point to which they jumped are not mentioned in the disqualification slip. Moreover, in some of the cases, the candidates, who failed in the 400 meters running event or 100 meters running event or 1500 meters running event have again taken their usual ground that the respondents have not mentioned the ~~services recruitment board~~ by them in the aforesaid events. On this score, they allege that there has been an non-application of mind on the part of the respondents.

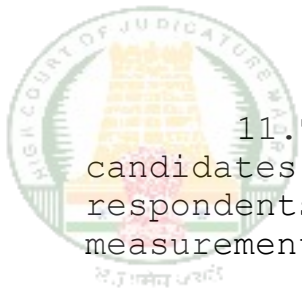


7. Viewing the CCTV camera footage displayed before me, I could see the measurements of candidates regarding Physical Efficiency Tests are all taken without sufficient light, therefore, with great difficulty, one has to see the height, chest and other measurements recorded. Similarly, in the running event, the time taken by the failed candidates is not mentioned in the disqualification slip. In view of these repeated grievance shown by the candidates approaching this Court, this Court had to issue direction for re-measurement of height, chest and in some cases, when the candidates failed in rope climbing test, this Court had to pass order directing the respondent department to give one more chance for rope climbing, as a result, the valuable time of the respondent department to be consumed in the re-test and the valuable time of this Court are all wasted. Moreover, the sudden filing of huge number of cases put the Registry also out of gear. I could see the respondent department has also constituted a Sub-Committee consisting of Chairman-D.I.G. of Police and Members (1) Superintendent of Police, (2) Additional Superintendant of Police, (3) Deputy Superintendant of Police, (4) Superintendent of Prison or Additional Superintendant of Prison and (5) District Officer for Fire and Rescue, to ensure that the recruitment process are all conducted in a fair and proper manner.

8. In view of noticing glaring errors in the selection process which will have a cascading effect on the career of some of the candidates, I am of the considered opinion that the aforementioned Sub-Committee should also have the assistance of Physical Education Director and one Senior Expert from the Sports Development Authority, so that maximum perfection can be reached on various tests which will not only avoid cause of action to the candidates to come to this Court again, but will also take care of the general grievances. Hence, the respondents are directed to include Physical Education Director and one Senior Expert from the Sports Development Authority in the aforementioned Sub-Committee and thereafter, proceed with re-measurements of the height and chest of the candidates.

9. At this juncture, the learned Additional Advocate General appearing for the respondents submitted that re-test for the candidates from Tirunelveli, Dindigul, Erode, Ramanathapuram etc., can be permitted to be held at Madurai, where all arrangements have been made and it would enable the respondents to complete the selection process as directed by the Hon'ble Supreme Court on or before 30.08.2017. He has also submitted that proper intimation will be given to the candidates who are supposed to attend such tests through phone and also by registered post.

10. Agreeing with the said submission made by the learned Additional Advocate General appearing for the respondents, this Court directs the respondents to hold re-test at Madurai, but the same shall be intimated to the candidates who are supposed to attend the re-test through phone and by personal intimation.



11.The aforesaid order will be applicable to all the candidates, who are going to face re-test to be conducted by the respondents at Madurai in respect of height and chest measurements, running events, rope climbing and long jump, etc.

12.Hence, the aforementioned Sub-Committee is directed to re-measure the height of the petitioner properly.

13.With the above direction, this Writ Petition is allowed and the impugned order is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-600 008.
- 2.The Member Secretary,
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of Police, Crimes, Chennai,
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-600 008.

+1cc to M/S.G.Chandrasekar, Advocate SR.No. 73638
+1cc to Special Government Pleader, SR.No. 74189

W.P.(MD)No.15516 of 2017
21.08.2017

smn2/am