



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15981 of 2017

and

W.M.P. (MD) No.12636 and 12637 of 2017

A.Michael Arockiaraj

... Petitioner

Vs.

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

2. The Chairman Sub committee,
Tamil Nadu Uniformed Services Recruitment Board,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order of disqualification passed by the 2nd respondent in C.No.R2/150/2017 dated 27.07.2017 and quash the same and direct the 1st respondent to include the petitioner's name in the list of selected candidates in the physical measurement test for the posts of 15664+47 (Back log) Grade II Police Constables, (Men, Women and Third Gender), Grade II Jail Warders (Men and Women) and Fireman for the year 2017 notified by the above 1st respondent vide advertisement No.117.

For Petitioner : Mr.B.N.Raja Mohammed

For Respondents : Mr.B.Pugazhendhi

Additional Advocate General

Assisted by Mr.A.K.Baskara Pandian,
Special Government Pleader.**O R D E R**

By consent of both parties, this writ petition itself is taken up for final disposal.

2.The petitioner, having passed S.S.L.C, applied for the post of Grade -II Police Constables / Grad-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 for the Physical Endurance Test.



3. Now, the grievance of the petitioner appears to be that the respondents have wrongly disqualified the petitioner on the ground that the petitioner has failed to possess the requisite chest measurement.

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4. The learned counsel for the petitioner submitted that the 2nd respondent measured the petitioner's chest at 91 cms in the normal position, while conducting the measurement of chest on 27.07.2017, whereas, the second measurement was not properly done after expansion and the 2nd respondent has informed the petitioner that he was not having the requisite 5 cms difference. However, as he is having more 81 cms, namely, 91 cms of chest measurement in the normal position, he has requested the respondents to conduct retest of his chest measurement. However, the same has not been done and therefore, he has sent a representation to the respondents on 29.07.2017 by speed post requesting to remeasure his chest by recalling the disqualification slip, which has not been done. He would further submit that if the representation dated 29.07.2017 would have been considered, the petitioner would not have come to this Court with this writ petition. Now, the request of the petitioner to remeasure the chest has not been accepted and his appeal dated 29.07.2017 has not been considered. Therefore, the petitioner is before this Court with this writ petition.

5. The learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondent Department, on instructions, would submit that in view of 100's of representations received by the 2nd respondent, they are unable to dispose it of. But, this Court is unable to accept the said contention.

6. The representations, which have been sent by the candidates, have to be entertained one way or the other. In the present case, admittedly, the chest measurement of the petitioner was 91 cms, which is 10 cms over and above the requisite measurement. Therefore, this Court finds no impediment to direct the 2nd respondent to remeasure the chest measurement of the petitioner, after expansion.

7. In view of the above, the 2nd respondent is directed to conduct chest measurement of the petitioner, after expansion.

8. The Writ Petition stands allowed with the above direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/



To

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

2. The Chairman Sub committee,
Tamil Nadu Uniformed Services Recruitment Board,
Thoothukudi District.

+ 1 CC TO Mr.B.RAJA MOHAMED, ADVOCATE IN SR No. 74526

RR

TE/SKN-RSK/SAR-I : 24/08/2017 : 3P/4C

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