



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD)No.15982 of 2017

and

W.M.P. (MD)Nos.12638 and 12639 of 2017

P.Subramani

... Petitioner

Vs.

1.Tamil Nadu Uniformed Service Recruitment Board,
Rep. by its Member Secretary,
807, 2nd Floor, Anna Salai,
Chennai-600 002.

2.The Chairman,
Recruitment Sub-Committee,
Madurai Centre &
Deputy Inspector General of Police,
Madurai Range, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records on the files of the 2nd respondent pertaining to the order bearing C.No.R2/150/2017 dated 07.08.2017 and to quash the same and consequently assess the performance of the petitioner in the rope climbing event and direct the respondents to appoint the petitioner as Grade II Police Constable within a time frame.

For Petitioner
For Respondents

: Mr.Chamunde Bose
: B.Pugalendhi,
Additional Advocate General
assisted by Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

Mr.B.Pugalendhi, learned Additional Advocate General, takes notice for the respondents. By consent, the writ petition itself, is taken up for final disposal.

2.The petitioner has come to this Court for issuance of a Writ of Certiorarified Mandamus to quash the impugned order bearing C.No.R2/150/2017, dated 07.08.2017, passed by the second respondent and consequently assess the performance of the petitioner in the rope climbing event and direct the respondents to appoint the petitioner as Grade II Police Constable within a time frame.



3.The petitioner is found disqualified in rope climbing test vide, impugned order, dated 07.08.2017. Challenging the correctness of the same, the present writ petition has been filed.

4.The learned counsel appearing for the petitioner would submit that the petitioner is a University Kabadi Player. In support of the said submission, a Certificate showing his participation in the Inter-University Tournament, held at Kuvembu University, Shimoga (IA) in the year 2015-2016. The petitioner was found eligible in the written test and other physical efficiency test, in the Combined Recruitment for the post of Grade II Police Constables (Male/Female/Trans-gender), Grade-II Jail Warders (Male & Female) and Fire Man (Male) for the year 2017 and finally while he was performing rope climbing test, he also did well by climbing to the last point mark, at the end of five metres. But, he was asked to climb down. Only on the instructions of the instructor, he came down immediately, on the ground that he has not crossed the distance of five metres. When he was about to touch the pole with his chin, the instructor sounded his whistle, asking to climb down. Even after climbing down, he requested them to give him the second chance, as he is the University Kabadi Player. Since the same was not considered, the petitioner has approached this Court with this writ petition.

5.The learned Additional Advocate General appearing for the respondents opposing the above-said prayer, submitted that the petitioner cannot come to this Court at the last minute, when the selection is going to be over today. It will be highly difficult to organise re-test for the petitioner. It is also further pleaded that when there is no provision for second test in the rope climbing, the prayer in the present writ petition is liable to be refused.

6.Heard both sides.

7.No doubt, the petitioner is a University Kabadi Player, which could be seen from the Certificate [S.No.A394] issued by the Director of Physical Education, Madurai Kamaraj University, Madurai, wherein it is stated that the petitioner has taken-part in the Inter-University Tournament, held at Kuvembu University, Shimoga (KA), in the year 205-2016.

8.Keeping in mind, he has passed both the written and other Physical Endurance Test, directing to produce the video-graph recorded at the time of his taking part in the rope climbing test, would waste the time of this Court as well as the Department, for the reason that the petitioner is a University Kabadi Player, this Court directs the respondents to allow the petitioner to take part in the rope climbing event, today i.e., 24.08.2017 and the petitioner is directed to be present at 4.00 p.m. for the same in the place of re-test, namely, Madurai City Armed Reserve Ground,



Reserve Line, Madurai - 625 014. Accordingly, the writ petition stands allowed and the impugned order No.C.No.R2/150/2017, dated 07.08.2017, passed by the second respondent is set aside. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar

Sub Assistant Registrar

To

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

2.The Chairman,
Recruitment Sub-Committee,
Madurai Centre &
Deputy Inspector General of Police,
Madurai Range, Madurai.

+1cc to M/s.CHAMUDI BOSE Advocate in SR. No.74389

PSD/SMN

JS/MR.KKR/SAR.1/24.08.2017/3P-4C

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