



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.17695 of 2017
and WMP Nos.14233 and 14234 of 2017

T.Duvert Kumar

... Petitioner

Vs.

1.The Director

Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai.

2.The Chairman Sub Committee

Tamilnadu Uniformed Services Recruitment Board,
Thoothukudi Centre,
Thoothukudi

... 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 from the 2nd respondent's impugned disqualification slip in C.No.R2/150/2017 dated 01.08.2017 and quash the same with regard to not necessary to attend the physical test to the Ex-servicemen for the above said selection and direct the respondents to appoint the petitioner as Police Constable, Grade II based on the written test conducted on 28.07.2017.

For Petitioner : Mr.H.Velavadhas

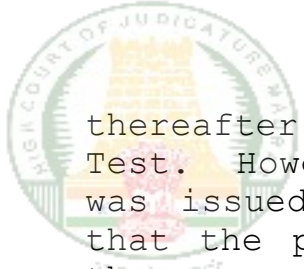
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

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

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3.The petitioner, being Ex-service man for Notification issued by the 2nd respondent inviting eligible candidates for the post of Grade II Constable, has applied for the same. Subsequently, he has taken part in the written examination successfully and



thereafter he was permitted to take part in the Physical Endurance Test. However, he was unable to pass the long jump, for which, he was issued with the disqualification slip on 01.08.2017 stating that the petitioner failed in the long jump event. Challenging the same, the present writ petition has been filed before this Court

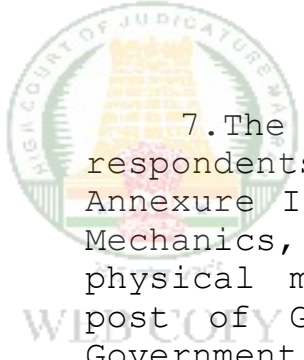
4.The learned counsel for the petitioner would submit that as per the notification issued by the respondent inviting eligible candidates for the post of Combined Recruitment of Grade - II Police Constables/Grade - II Jail Warders/Fireman - 2017, all the candidates applied under the Ex-Serviceman quota, 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 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, this writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1. The Director

Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.

2. The Chairman Sub Committee

Tamilnadu Uniformed Services Recruitment Board,
Thoothukudi Centre, Thoothukudi

+One cc to The Special Government Pleader, SR.No.80396

RR

RL/4C/3P/MR/KKR/SAR3/31/10/2017

W.P. (MD) No.17695 of 2017