

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.439 to 447 of 2013

V.Vijayakumar	... Appellant in W.A.No.439 of 2013
D.Baskaran	... Appellant in W.A.No.440 of 2013
S.Raja	... Appellant in W.A.No.441 of 2013
M.Chokkalingam	... Appellant in W.A.No.442 of 2013
P.Ramesh	... Appellant in W.A.No.443 of 2013
G.Kesavan	... Appellant in W.A.No.444 of 2013
C.Madhavan	... Appellant in W.A.No.445 of 2013
P.Vellathurai	... Appellant in W.A.No.446 of 2013
K.Ravichandran	... Appellant in W.A.No.447 of 2013

Vs.

- 1.The Government of Tamil Nadu,
Rep., by its Secretary, Home Department,
Fort St. George, Chennai-9.
- 2.The Chairman,
Tamil Nadu Uniformed Service Recruitment
Board, 807, Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-2.

3.The Director General of Police,
Mylapore, Chennai-4.

... Respondents
in all W.As

Writ Appeals are preferred under Clause 15 of the Letters Patent against the order dated 06.11.2012 made in W.P.Nos.29927, 29926, 29928 to 29934 of 2012.

Prayers in W.P.Nos.29926 to 29934 of 2012:-

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus Calling for the records relating to the impugned Notification issued by the 2nd respondent in Advertisement No.112 dated Nil for General Selection to the post of Grade-II Police Constables (Male/Female) Jail Wardens and Fireman (Male) for the year 2012 in so far as it does not provide for exemption to the Ex-Servicemen in Physical Tests are concerned and the consequential Disqualification Slip issued by the 2nd respondent in his proceedings in R.C.No.R1/4344/2011 dated 21.8.2012 and quash the same as being illegal arbitrary unconstitutional and consequently direct the respondents to consider the petitioner for appointment to the said post of conformity with Annexure II r/w. Rule 14 of the Special Rules for Tamil Nadu Police Subordinate Service(respectively)

For Appellant : Mr.T.Sundaravadanam
in all WAs.

For respondents : Mrs.Narmadha Sampath,
in all WAs. Additional Advocate General
Assisted by V.Kathirvelu,
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by M.M.SUNDRESH,J.)

In all these cases, the appellants, who were serving in the Army, did not get the posting as Grade-II Police Constable, since they were unable to secure the physical requirement mandated under the notification. Of the nine cases, in six of them, the requisite height was lacking, in two of them, they were disqualified from the selection of rope climbing and in the other case, chest measurement was found to be lacking. Hence, the present writ appeals.

2. The learned counsel appearing for the appellants would submit that the exemption will have to be applied to the case of the appellants. Admittedly, they were serving in the Army Forces. Therefore, the order of the learned single Judge requires interference.

3. Learned Additional Advocate General would submit that having participated in the selection process, it is not open to the appellants to contend to the contrary. The qualifications are basic and fundamental in nature. Therefore, there cannot be any exemption, which can at best be applied among the Army Police. Hence no interference is required.

4. As rightly submitted by the learned counsel for the appellants, even though law is quite settled that after getting into the selection process, it is not open to the candidates to challenge the same as principle of acquiescence would certainly come into play. Secondly, this Court is not supposed to go into the qualification fixed and that too, for the police force. The exemption is only for the specific category of army man. The same cannot be exercised as per Annexure II read with Rule 14 of the Special Rules for Tamil Nadu Police Subordinate Service. Admittedly, the appellants were found to be not in conformity with the requirement in respect of the physical necessity for being considered for the posts in question. Thus, the writ appeals stand dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamil Nadu,
Rep., by its Secretary, Home Department,
Fort St. George, Chennai-9.
2. The Chairman,
Tamil Nadu Uniformed Service Recruitment
Board, 807, Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-2.
3. The Director General of Police,
Mylapore, Chennai-4.

+1cc to the Government Pleader, S.R.No.77432, 77701

W.A.Nos.439 to 447 of 2013

RR(CO)

CS/26/12/2018