

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1208 of 2018
and
C.M.P.Nos.9816 to 9818 of 2018

G.Gopinath ... Appellant/Petitioner

-vs-

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-600 008.
- 2.The Chairman,
Recruitment Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008. ... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.22521 of 2017 dated 23.08.2017.

W.P.22521/2017:

Petition filed under Article 226 of the constitution of India, praying to issue a Writ of certiorarified Mandamus, directing the respondent to call for the records of the 2nd respondent dated 27.7.2017 made in C.No.R2/150/2017 (Enrollment No.0207042) quash the same as illegal and consequently direct the respondents to conduct physical measurement test (Height) to the petitioner afresh by a qualified Physical Director and further direct the respondents allow the petitioner to participate in other tests of selection process for appointment for the post of Grade II Police Constable/Grade II Jail Warden and Fireman conducted pursuant to the notification bearing Exam Index No.1 and Advertisement No.117 issued by the 1st respondent.

For Appellant :: Mr.R.Murali

For Respondents:: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Delivered by M.DHANDAPANI, J.)

Pursuant to the Notification issued for recruitment to the post of Grade II Police Constable / Jail Warden and Fireman, the appellant submitted his application and participated in the written examination and passed in the examination. He received a call letter to appear for physical measurement test / endurance test / efficiency test. He participated in the test and his height was measured as 169.5 cm. The minimum required height as per the recruitment rules is 170 cm. Hence, the appellant was disqualified by proceedings dated 27.07.2017 of the second respondent. Challenging the same, he filed a writ petition before this Court in W.P.No.22521 of 2017. This Court dismissed the writ petition by order dated 23.08.2017 on the ground that there is no irregularity or illegality in the process of selection nor any allegation of malafide or corrupt practices established in the writ petition. Challenging the order passed in the writ petition, the present writ appeal has been filed.

2.The main ground raised by the learned counsel for the appellant is that the appellant's height was measured as 170 cm by Chief Civil Surgeon, Tamil Nadu Special Police Hospital, Avadi and hence it creates a reasonable doubt in respect of the measurement carried out by the respondents.

3.When this matter came up before this Court on 09.07.2018, taking note of the above ground raised by the learned counsel for the appellant, we directed that the matter be referred to the Tamil Nadu Special Police Hospital, Avadi, Chennai to conduct physical fitness with regard to the height of the appellant and to file a report before this Court.

4.Accordingly, today a report dated 27.07.2018 has been filed before this Court in which the height of the appellant is stated as 170.5 cms. The minimum required height as per the recruitment rules is 170 cms.

5.In view of the above stated circumstances, the impugned order passed by the learned single Judge is set aside and the writ appeal is allowed with a direction to the respondents to consider the case of the appellant for selection to the post of

Grade II Police Constable / Grade II Jail Warden and Fireman, provided he fulfils all other requirements, as per the recruitment rules. No costs. Consequently the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

KM

To

1. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-600 008
 2. The Chairman,
Recruitment Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.
- +1 CC to Mr.R. Murali, Advocate sr 52215.
+1 CC to The Govt. Pleader sr 52411

W.A.No.1208 of 2018
and

C.M.P.Nos.9816 to 9818 of 2018

GJII(CO)
SP(29/08/2018)

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