



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM :

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**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

W.A(MD)No.1265 of 2017
in
WP(MD)No.14820 of 2017

M.Govindammal

... Appellant/Petitioner

vs.

1)The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-08.

2)The Chairman,
Sub Committee,
Virudhunagar Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Virudhunagar District.

... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent, against the order dated 09.08.2017 made in W.P(MD)No.14820 of 2017 on the file of this Court.

Prayer in WP(MD)No.14820 of 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the letter issued by the 2nd respondent in C.No.R2/150/2017 dated 31.07.2017 and quash the same as illegal, consequently direct the respondents to permit the petitioner to participate in the next level selection process such as further chest measurement, 1500 Meter running, rope climbing etc., in pursuant of TNUSRB combined recruitment for Grade-II Police constables/Grade-II Warders/Firemen (Men & Women)-2017, if the petitioner found eligible in height measurement during re-measurement.

For Appellant
For Respondents

: Mr.T.Lajapathi Roy
: Mr.B.Pugalendhi
Additional Advocate General assisted by
Mr.A.K.Baskarapandian
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by
THE HON'BLE THE CHIEF JUSTICE)

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This appeal is against the judgment and order of the learned Single Bench dismissing the writ petition of the petitioner/appellant, which is directed against the rejection by the respondents of her candidature for appointment as Grade-II Police Constable on the ground that she did not have the requisite height for appointment.

2.The requisite height is 159 cms for women and 170 cms for men. According to the petitioner, her height is 160 cms. She produced a certificate to that effect.

3.Learned counsel appearing on behalf of the respondents has drawn our attention to paragraph 7 of the affidavit filed by the appellant/petitioner in support of the writ petition, where she stated that her height was 158 cms. However, in paragraph 5 of the same affidavit, it is stated 'I submit that during Physical Measurement test, the 2nd respondent measured my actual Height measurement as 159 cm. While the respondent has taken the measurement in my height, it was 158. So I was rejected for the further measurement.' Possibly, because English is not the mother tongue, grammatical errors have crept into the affidavit which make the affidavit somewhat incomprehensible. What she possibly meant was that her height was found upon physical measurement to be 159 cms, but her height was recorded as 158 cms.

4.The learned Single Bench rejected the writ petition, and perhaps rightly, observing that the petitioner/appellant had admitted that her height was 158 cms. The Writ Court was unable to find any infirmity in the rejection of her candidature. Ordinarily, the Division Bench does not interfere in appeal with an order that has otherwise rightly been passed. It is not for the Writ Court to go into the factual disputes as to whether the height of a candidate has correctly been recorded or not.

5.We have noted that there is no averment in the writ petition and/or the memorandum of appeal making any suggestion of any possible reason to deliberately disqualify the petitioner by recording a lesser height. It is not for the Writ Court to sit in appeal over measurement of height, width of the chest etc., taken at the time of measurement test. The issues raised in the writ petition involve hotly disputed questions of fact.



6.The Writ Appeal cannot therefore be entertained and the same is dismissed. No costs.

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Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1)The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-08.

2)The Chairman,
Sub Committee,
Virudhunagar Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Virudhunagar District.

+2ccs to the Special Government Pleader, SR.Nos.59202 and 59432

+One 1 CC to Mr.T.Lajapathi Roy, Advocate, SR.No.59130

bala/sj
RL/5C/3P/KK/SAR1/16/4/2018

JUDGMENT MADE IN
W.A (MD) No.1265 of 2017

28.03.2018