



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

and

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

W.A(MD)Nos.1266 to 1275 of 2017

and

C.M.P(MD)Nos.8912 to 8921 of 2017

and

CONT.P(MD)Nos.1774 and 1779 of 2017

- 1 THE CHAIRMAN,
TAMILNADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI-600 008.
- 2 THE CHAIRMAN RECRUITMENT SUB-COMMITTEE,
MADURAI CENTRE & DEPUTY INSPECTOR GENERAL OF POLICE,
MADURAI RANGE MADURAI.

... APPELLANTS in WA(MD) No.1266 of 2017

- 1 THE CHAIRMAN,
TAMILNADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI-600 008.
- 2 THE CHAIRMAN/MEMBER , SUB-COMMITTEE TIRUNELVELI CENTRE,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
EGMORE, CHENNAI-600 008.

...APPELLANTS in WA(MD) No.1267 of 2017

- 1 THE MEMBER SECRETARY,
TAMILNADU UNIFORMED SERVICES RECRUITMENT BOARD,
CHENNAI.
- 2 THE CHAIRMAN SUB-COMMITTEE TAMILNADU UNIFORMED SERVICES
RECRUITMENT BOARD, VIRUDHUNAGAR RANGE,
VIRUDHUNAGAR.

... APPELLANTS in WA(MD) No.1268 of 2017

- 1 THE DIRECTOR GENERAL OF POLICE
DR.RADHAKRISHNAN SALAI, CHENNAI-4.
- 2 THE CHAIRMAN,
THE TAMILNADU UNIFORMED SERVICES RECRUITMENT BOARD,
807, SENGALVARAYAN NAICKER BUILDING,
ANNA SALAI, CHENNAI-600 002.



- 3 THE DEPUTY INSPECTOR GENERAL OF POLICE,
(RECRUITMENT SUB-COMMITTEE, TIRUNELVELI CENTRE)
TIRUNELVELI RANGE, TIRUNELVELI.

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... APPELLANTS in WA(MD) No.1269 of 2017

- 1 TAMIL NADU UNIFORMED
SERVICES RECRUITMENT BOARD,
REP.BY ITS CHAIRMAN,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI-600 008.
- 2 THE MEMBER SECRETARY
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI-600 008.
- 3 THE CHAIRMAN SUB COMMITTEE/ MEMBER DINDIGUL CENTRE,
TAMIL NADU UNIFORMED SERVICES, RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI.

... APPELLANTS in WA(MD) No.1270 of 2017

- 1 THE DIRECTOR GENERAL OF POLICE,
O/O.THE DIRECTOR GENERAL OF POLICE, CHENNAI.
- 2 THE MEMBER SECRETARY,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI-08
- 3 THE CHAIRMAN,
SUB COMMITTEE/MEMBER,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
DINDIGUL CENTRE.

... APPELLANTS in WA(MD) No.1271 of 2017

- 1 THE CHAIRMAN,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI-8.
- 2 THE CHAIRMAN.
SUB COMMITTEE VIRUDHUNAGAR CENTRE,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
DINDIGUL CENTRE.

... APPELLANTS in WA(MD) No.1272 of 2017



1 THE MEMBER SECRETARY,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI.

2 THE CHAIRMAN,
RECRUITMENT SUB COMMITTEE MADURAI CENTRE &
DEPUTY INSPECTOR GENERAL OF POLICE MADURAI RANGE,
MADURAI.

... APPELLANTS in WA(MD) No.1273 of 2017

1 THE MEMBER SECRETARY,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI.

2 THE CHAIRMAN
RECRUITMENT SUB COMMITTEE,
MADURAI CENTRE & DEPUTY INSPECTOR
GENERAL OF POLICE MADURAI RANGE, MADURAI.

... APPELLANTS in WA(MD) No.1274 of 2017

1 THE CHAIRMAN,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI.

2 THE CHAIRMAN,
RECRUITMENT SUB COMMITTEE MADURAI CENTRE &
DEPUTY INSPECTOR GENERAL OF POLICE MADURAI RANGE,
MADURAI.

... APPELLANTS in WA(MD) No.1275 of 2017

R.SIVAKARTHICK ... PETITIONER in CONT P(MD) No.1774 of 2017

BALAMURUGAN ... PETITIONER in CONT P(MD) No.1779 of 2017

VS

I.BALAMURUGAN ... RESPONDENT in WA(MD) No.1266 of 2017

S. CHINNATHAMBI ... RESPONDENT in WA(MD) No.1267 of 2017

<https://hcservices.com/its/ra/ja/> ... RESPONDENT in WA(MD) No.1268 of 2017

R. AGASTIN ... RESPONDENT in WA(MD) No.1269 of 2017



E.SIVAPRIYAN

... RESPONDENT in WA(MD) No.1270 of 2017

R.SIVAKARTHICK

... RESPONDENT in WA(MD) No.1271 of 2017

S.MURUGARAJ

... RESPONDENT in WA(MD) No.1272 of 2017

R.RAJKUMAR

... RESPONDENT in WA(MD) No.1273 of 2017

B.GOUTHAM

... RESPONDENT in WA(MD) No.1274 of 2017

VINOTH

... RESPONDENT in WA(MD) No.1275 of 2017

1 T.K.RAJENDERAN,
THE DIRECTOR GENERAL OF POLICE,
O/O.THE DIRECTOR GENERAL OF POLICE, CHENNAI.

2 THRIPATHI,
THE MEMBER SECRETARY,
TAMIL NADU UNIFORM SERVICE RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI.

3 KARTHIKEYAN, THE CHAIRMAN,
SUB COMMITTEE/MEMBER,
TAMIL NADU UNIFORM SERVICE RECRUITMENT BOARD,
DINDIGUL CENTRE.

... RESPONDENT in CONT P(MD) No.1774 of 2017

1 THIRU. J.K. TRIPATHI, THE CHAIRMAN,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI-600 008.

2. THIRU. PRADEEPKUMAR, THE CHAIRMAN,
RECRUITMENT SUB COMMITTEE,
MADURAI CENTRE & DEPUTY INSPECTOR
GENERAL OF POLICE, MADURAI RANGE, MADURAI.

... RESPONDENT in CONT P(MD) No.1779 of 2017

Prayer in WA(MD) No.1266 of 2017:

Writ appeal is filed under clause 15 of the Letters Patent
against the order dated 17/08/2017 made in WP(MD)No. 14761 of
2013 contn. contn. contn. of this Honourable Court .



Prayer in WP(MD)No. 14761/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 04.08.2017 in C.No.R2/150/2017 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents to conduct a fresh efficiency test for the petitioner (Enrolment Number 2404753) for the post of Grade II constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2017.

Prayer in WA(MD) No.1267 of 2017:

Writ appeal is filed under clause 15 of the Letters Patent against the order dated 18/08/2017 made in WP(MD)No. 14871 of 2017 on the file of this Honourable Court .

Prayer in WP(MD)No. 14871/ 2017 :

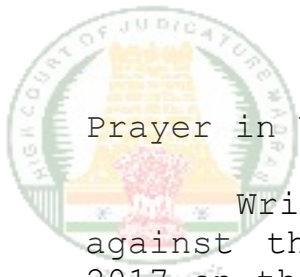
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified mandamus to call for the records on the file of the 2nd respondent in pursuant to the impugned order passed by him in his proceedings RC.No.R2/150/2017 dated 04.08.2017 and quash the same as illegal and arbitrary and consequently direct the respondents to conduct physical efficiency test to the petitioner afresh by a qualified Physical Director for appointment to the post of Grad II Police Constable for the year 2017 within the time limit that may be stipulated by this honble court.

Prayer in WA(MD) No.1268 of 2017:

Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 21/08/2017 made in WP(MD)No. 14964 of 2017 on the file of this Honourable Court .

Prayer in WP(MD) No. 14964/ 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 relating to the impugned order vide C.No.R2/150/2017 dated 02.08.2017 on the file of the 2nd Respondent and quash the same and direct the Respondents to hold re-rope climbing (give opportunity) and proceed with further process in the common Recruitment for the posts of Gr.II police Constables (Men, Women & Third Gender), Services E constables (Men & Women) and Firemen for the year 2017.



Prayer in WA(MD) No.1269 of 2017:

Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 22/08/2017 made in WP(MD)No. 14986 of 2017 on the file of this Honourable Court .

Prayer in WP(MD)No. 14986/ 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 relating to the impugned order passed by the 3rd respondent in RC.No.R2/150/2017 dated 04.08.2017 with respect to the petitioner Enrolment No.3014441 and quash the same and consequently direct the 2nd and 3rd respondents to conduct fresh physical efficiency Test (I) rope climbing to the petitioner and also direct the 2nd and 3rd respondents to conduct the remaining others Physical Efficiency Test and further direct the respondents to permit the petitioner to participate in the subsequent stage of the selection for the post of Grade II Police constables (Men, Women & Third Gender), Gr.II Jail Warders(Men & Women) and Firemen for the year 2017.

Prayer in WA(MD) No.1270 of 2017:

Writ Aappeal is filed under clause 15 of the Letters Patent against the order dated 21/08/2017 made in WP(MD)No. 14996 of 2017 on the file of this Honourable Court .

Prayer in WP(MD)No.14996/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records relating to the order passed by the Respondent No.3 herein in C.No.R2/150/2017 dated 03.08.2017, quash the same and consequently direct the Respondents to permit the Petitioner to participate in the remaining physical efficiency test viz., long jump (or) high jump and 100 mtrs or 400 mtrs running relating to the recruitment for the post of Grade II Police Constable, Jail Warden, Firemen for the year 2017.

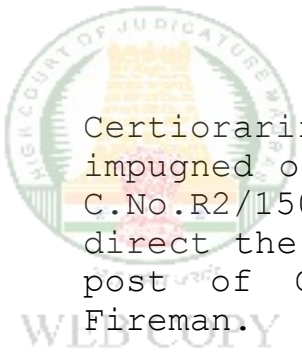
Prayer in WA(MD) No.1271 of 2017:

Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 21.8.2017 made in WP(MD) No.14999 of 2017 on the file of this Honourable Court.

Prayer in WP(MD)No. 14999/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of



Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd Respondent in his proceedings in C.No.R2/150/2017 dated 3.8.2017 quash the same and consequently direct the 3rd Respondent to conduct further physical test for the post of Grade II Police Constable/Grade II Jail Warden and Fireman.

Prayer in WA(MD) No.1272 of 2017:

Writ appeal is filed under clause 15 of the Letters Patent against the order dated 21.8.2017 made in WP(MD) No.15030 of 2017 on the file of this Honourable Court.

Prayer in WP(MD)No. 15030/ 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 03.07.2017 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 high jump or long jump 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 reconducting of rope climbing.

Prayer in WA(MD) No.1273 of 2017:

Writ appeal is filed under clause 15 of the Letters Patent against the order dated 21.8.2017 made in WP(MD) No.15274 of 2017 on the file of this Honourable Court.

Prayer in WP(MD)No. 15274/ 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 pursuant to the impugned order passed by the 2nd respondent in C.No.R2/150/2017 dated 4.8.2017 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 that may be stipulated by this Hon'ble court.

Prayer in WA(MD) No.1274 of 2017:

Writ appeal is filed under clause 15 of the Letters Patent against the order dated 21.8.2017 made in WP(MD) No.15275 of 2017 on the file of this Honourable Court.



Prayer in WP(MD)No. 15275/ 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 pursuant to the impugned order passed by the 2nd Respondent in C.No.R2/150/2017 dated 8.8.2017 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 Gr.II Police Constable within a time frame that may be stipulated by this Hon'ble Court.

Prayer in WA(MD) No.1275 of 2017:

Writ appeal is filed under clause 15 of the Letters Patent against the order dated 22.8.2017 made in WP(MD) No.15800 of 2017 on the file of this Honourable Court.

Prayer in WP(MD). 15800/ 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 04.08.2017 and quash the same as illegal, consequently direct the respondents to permit the petitioner to participate in the next level selection process such as High Jump or Long Jump and 100 meters running or 400 meters running 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 chest measurement during re-measurement.

Prayer in CONT P(MD) No.1774 of 2017:

Contempt Petition is filed under section 11 of contempt of Court Act, praying this Hon'ble Court to punish the Contemnors / Respondents in this petition for contempt committed by them in violating the order of this Honourable court dated 21/08/2017 passed in WP(MD).No.14999 of 2017.

Prayer in WP(MD). 14999/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd Respondent in his proceedings in C.No.R2/150/2017 dated 3.8.2017 quash the same and consequently direct the Respondent to conduct further physical test for the post of Grade II Police Constable/Grade II Jail Warden and Fireman.



Prayer in CONT P (MD) No. 1779/ 2017 :

Contempt Petition is filed under section 11 of contempt of Court Act, praying this Hon'ble Court to initiate contempt proceedings against the Contemnors / Respondents and punish them for the wilful disobedience of the order dated 17/08/2017 made in WP (MD) No. 14761 of 2017.

Prayer in WP (MD). 14761/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 04.08.2017 in C.No.R2/150/2017 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents to conduct a fresh efficiency test for the petitioner (Enrolment Number 2404753) for the post of Grade II constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2017.

For Appellants

in all WAs and Respondents

in both Contempt Petition : Mr.B.Pugalendhi,

Additional Advocate General,
assisted by Mr.A.K.Baskarapandian,
Special Government Pleader.

For Petitioner:

Cont p (MD) 1774 of 2017 : Mr. M.A.M. Raja

Cont p (MD) 1774 of 2017 : No appearance

For Respondent : Mr.D.Sivaraman,
in WA (MD) No. 1266/2017

Mr.M.Jegadesh Pandian,
in WA (MD) No. 1266/2017

Mr.M.A.M.Raja
in WA (MD) No. 1271/2017

Mr.A.Rajaram
in WA (MD) No. 1272/2017

Mr.D.Ramesh Kumar
in WA (MD) No. 1273/2017

Mr. K. Mahandrapathi
in WA (MD) No. 1274/2017

Mr. S.Siva Prakash
in WA (MD) No. 1275/2017

C O M M O N J U D G M E N T

[Common Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.A.K.Baskarapandian, learned Special Government Pleader, appearing for the appellants, Mr.D.Sivaraman, learned counsel appearing for the respondents in W.A(MD)Nos.1266 and 1270 of 2017, Mr.M.Jegadeesha Pandian, learned counsel appearing for the respondent in W.A(MD)No.1269 of 2017, Mr.M.A.M.Raja, learned counsel appearing for the respondent in W.A(MD)No.1271 of 2017, Mr.A.Rajaram, learned counsel appearing for the respondent in W.A(MD)No.1272 of 2017, Mr.D.Rameshkumar, learned counsel appearing for the respondent in W.A(MD)No.1273 of 2017, Mr.S.Mahendrapathy, learned counsel appearing for the respondent in W.A(MD)No.1274 of 2017 and Mr.S.Sivaprakash, learned counsel appearing for the respondent in W.A(MD)No.1275 of 2017.

2.These writ appeals are directed against the orders passed in the writ petitions filed by the private respondents, seeking for issuance of writ of certiorarified mandamus, to quash the orders passed by the appellant Board, holding that the writ petitioners have not qualified themselves in the Physical Efficiency Test, inasmuch as, they have not completed the Rope Climbing Exercise in a proper manner. The respondents/writ petitioners also sought for a direction, directing the respondents to conduct a fresh efficiency test for the post of Grade-II Constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board, 2017.

3.The learned Additional Advocate General appearing for the appellants submitted that this batch of ten writ appeals arose out of the individual orders passed in ten writ petitions filed by the candidates and all the writ petitions pertain to their disqualification in the Rope Climbing Event. It is submitted that the findings recorded by the Board, with regard to the satisfactory compliance or fulfilment of the various tests in the Selection Process, should be final and the Writ Court cannot go into the aspect, as to whether the event was done in a proper manner and whether the candidate had satisfied fully or partially the requirements in a particular test, etc. In other words, it is contended that the Court cannot make a roving enquiry on factual aspects and it is not permissible and while testing the fairness of the Selection Process, wherein thousands of candidates were involved, the High Courts should have been slow in relying upon such microscopic findings. In this regard, reliance was placed on the decision of the **Hon'ble Supreme Court** in **Sadanand Halo and Others v. Momtaz Ali Sheikh and Others** reported in **(2008) 4 SCC 819**. Further, it is submitted that when factual aspects are raised in a writ petition, the same cannot be adjudicated in such



proceedings, the Writ Court should not have permitted the writ petitioners to pass over to the next stage of Selection Process. In this regard, the decision of the Hon'ble Division Bench, made in W.A(MD)No.792 of 2010, dated 18.11.2010, [**Balasubramanian v. State of Tamil Nadu rep. by the Secretary to Government, Home Department, Chennai and another**] was referred to.

4.Further, the learned Additional Advocate General appearing for the appellants referred to the decision in W.P.No.33714 of 2015, dated 27.10.2015, [**R.Kuppusamy v. The Director General of Police, Tamil Nadu Uniformed Service Recruitment Board, Chennai - 8**], wherein, in a case pertaining to recruitment of Sub Inspector of Police, 2015 Batch, the Division Bench held that the writ petitioner cannot call for a review of the decision taken to disqualify him on account of the admitted failure to clear the test. Further, in the decision, made in W.P.No.22942 of 2015, dated 30.09.2015, [**D.Surendran v. The Chairman/Director General of Police, Tamil Nadu Uniformed Service Recruitment Board, Chennai and another**], the Division Bench pointed out that the question of passing the benchmark on the video even being re-visited will not arise, as it has been found that unfortunately, the petitioner did not put his chin above the markings as per norms. Further, in the Judgment of the Division Bench of this Court, in W.A(MD)No.936 of 2015, dated 07.09.2015, [**M.Muthukaruppan v. Tamil Nadu Uniformed Services Recruitment Board rep. by its Member Secretary, Egmore, Chennai - 600 008 and another**], it is held that the writ petition was rightly dismissed and that the Bench was not inclined to order re-test and if such a relief sought for by the appellant is granted, every person who has failed in the Physical Efficiency Test, will come to the Court for similar relief and the Court is not the forum for passing order to conduct re-test, unless specific Rule or provision or procedure has been violated.

5.There cannot be any quarrel to the legal proposition as advanced by the learned Additional Advocate General, appearing for the appellants. The question would be as to whether this could be applied to the facts and circumstances of the case, and that too, at this stage, before us. The appellant Board, when directed by the learned Single Bench, had submitted the details pertaining to the Selection Process including the video clippings. It is stated that above twenty five cases of such non-selection/disqualification at the stage of Rope Climbing, were before the Court. The Writ Court in each of the cases, the orders of which are the subject matter of challenge in these writ appeals, has viewed the video in the presence of the officials of the Board as well as the counsels and recorded a finding that the candidates have fulfilled the norms. The candidates were also present at the time, when the video played in the Open Court. After viewing the video recording, the Writ Court came to the conclusion that ten



candidates were successful in the rope climbing event. These ten cases are in appeal before us. The Writ Court observed that as per the directions issued by it [interim direction], the respondent Board produced the video recordings and the same was played before the Court and from the video recording, it is seen that there is no fault on the part of the writ petitioners, while climbing the rope successfully. Further, there is a specific finding that the writ petitioners have reached the mark on the rope and therefore, the Court held that the petitioners are declared qualified in the Rope Climbing Test. Such exercise has been undertaken by the Court and we would not set aside the views or to review the video recordings and test the correctness of the orders passed by the Writ Court. As observed earlier, the entire selection materials were placed before the Writ Court and the Writ Court has done factual exercise and granted relief to some of the writ petitioners, who were held to be unsuccessful in the Rope Climbing Test. Thus, for the above reasons, we are not inclined to interfere in the orders passed in the writ petitions.

6. In the light of the above reasoning, while dismissing the writ appeals, we take note of the apprehension expressed by the learned Additional Advocate General appearing for the appellants that there would be challenge to subsequent selection also, on the same grounds. We feel that there can be no apprehension, as the law laid down by the various decisions, some of which, have been referred to in the preceding paragraphs, are clear and lay down the correct legal principles and it is for the appellant Board to rely on those decisions, in the event, there is any challenge to any future selection and it is always open to the appellants, to argue all points before the concerned Court.

7. In our opinion, the impugned orders virtually have the colour of a consent order, inasmuch as, there was no finding rendered by the Writ Court on the contentions advanced by the appellant Board, resisting the prayer sought for, on the ground that the Writ Court was incompetent to undertake a review of the Selection Process. Therefore, in the peculiar facts and circumstances of the case, the order passed in the petitions should be allowed to attain the finality and the curtain should be drawn. We make it clear that the finding rendered in the impugned orders, will not in any manner prejudice to the rights of the appellants to contest the pending matters or fresh matters and the observations made in these writ appeals shall stand strictly finding to the ten cases and not to be cited as a precedent.

8. For all the above reasons, the writ appeals are dismissed, confirming the orders, dated 17.08.2017, 18.08.2017, 21.08.2017 and 22.08.2017, made in W.P(MD) Nos. 14761, 14871, 14964, 14986, 14999, 15030, 15274, 15275 and 15800 of 2017. No costs. Consequently, connected Miscellaneous Petitions are dismissed.



9. At this juncture, the learned Additional Advocate General appearing for the appellants submitted that it is not clear as to whether there are any vacancies as on date, since the entire selection process is over and training has also been completed for the candidates, who have joined the posts. We do not want to express anything on this issue and leave it open to the parties to proceed in accordance with law, as there was no order passed by this Court, keeping one post vacant till the disposal of the writ appeals.

10. In the light of the Common Judgment passed in the writ appeals, Cont.P(MD)Nos.1774 and 1779 of 2017 are closed.

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 - 600 008.
2. THE MEMBER SECRETARY,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI - 600 008.
3. THE CHAIRMAN,
RECRUITMENT SUB-COMMITTEE,
MADURAI CENTRE &
DEPUTY INSPECTOR GENERAL OF POLICE,
MADURAI RANGE, MADURAI.
4. THE CHAIRMAN,
SUB-COMMITTEE/MEMBER,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD,
DINDIGUL CENTRE.
5. THE DIRECTOR GENERAL OF POLICE,
O/O. THE DIRECTOR GENERAL OF POLICE, CHENNAI.
6. THE MEMBER SECRETARY,
TAMIL NADU UNIFORM SERVICE RECRUITMENT BOARD,
OLD COMMISSIONER OF POLICE OFFICE CAMPUS,
PANTHEON ROAD, EGMORE, CHENNAI.



7. THE CHAIRMAN,
SUB COMMITTEE/MEMBER,
TAMIL NADU UNIFORM SERVICE RECRUITMENT BOARD,
DINDIGUL CENTRE.

8. THE CHAIRMAN,
RECRUITMENT SUB COMMITTEE,
MADURAI CENTRE & DEPUTY INSPECTOR
GENERAL OF POLICE, MADURAI RANGE, MADURAI.

+1cc to Mr.D.Sivaraman, Advocate Sr.No.50070
+1cc to Mr.R.Venkatesan, Advocate SR.No.49705
+1cc to The Spl. Government Pleader Sr.No.49783

SMN

VB/SV/MMS/SAR4/20.03.2018/14P/12C

**COMMON JUDGMENT MADE IN
W.A(MD) Nos.1266 to 1275 of 2017
and
C.M.P(MD) Nos.8912 to 8921 of 2017
and
CONT.P(MD) Nos.1774 and 1779 of 2017
19.02.2018**