



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM :

WEB COPY

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

W.A(MD)No.1313 of 2017

and

C.M.P(MD)Nos.9213 and 9214 of 2017

M.Pothiraja

... Appellant

vs.

1)The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
Egmore,
Chennai-600 008.

2)The Chairman/Member,
Sub Committee,
Dindigul Centre,
The Tamilnadu Uniformed Services Recruitment Board,
Egmore,
Chennai-600 008.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order dated 18.08.2017 made in W.P(MD)No.14870 of 2017 on the file of this Court.

Prayer in WP(MD). 14870/ 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 C.No.R2/150/2017 dated 27.07.2017 and quash the same as illegal and arbitrary and consequently direct the respondents to conduct physical measurement test (height) to the petitioner afresh by a qualified physical director for appointment to the post of grade II police Constable for the year 2017 within the time limit that may be stipulated by this Hon'ble Court.

For Appellant

: Mr.A.Robinson

For Respondents

: 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)

This appeal is against an order dated 18.08.2017 of the learned Single Bench rejecting the writ petition of the appellant, questioning the rejection of his candidature for appointment to the post of Police Constable Grade-II of the Tamil Nadu Police on the ground of short height.

2.The requisite height is 170 cms. It appears that on measurement, the height of the appellant was measured as 169.5 cms., which is only 0.5 cm less. On digital measurement, the height of the appellant was found to be 168.5 cms.

3.From the typed set of documents filed along with this appeal, it appears that the appellant had also applied for recruitment in the Army and upon measurement, his height was found to be 170.2 cms. This is recorded in the Admit Card which was issued to the appellant by the Army Authorities. The appellant, however, did not get the appointment for reasons not material to the issues involved in the Writ Petition, which has given rise to this appeal

4.Considering that there is a discrepancy in the height as recorded manually and the height as recorded digitally and considering that the Army authorities issued an Admit Card recording the height of the appellant as 170.2 cms, which is 0.2 cm taller than the requisite height, we direct the respondent authorities to re-measure the height of the appellant in the presence of a Senior IPS Officer not less than the rank of Superintendent of Police, using a duly certified scale. Such re-measurement shall be carried out within two weeks from the date of this order.

5.It is made clear that this direction is not to be considered as a finding of this Court that the measurement is incorrect. We feel that the State should consider re-measurement, in such a case, where a discrepancy has crept in between the measurement made by the Army authorities and the respondent authorities, to ensure that the appellant has not been denied consideration by reason of any error. After all, it is a question of livelihood.

6.We are informed that selection for the year 2018 is in progress. The re-measurement of the appellant can be done along with the other candidates who have applied this year. However, the re-measurement as directed earlier, shall be done in the presence of a Senior IPS officer not below the rank of Superintendent of Police.



7. This Writ Appeal is disposed of with the above directions.
No costs. Consequently, connected miscellaneous petitions are
closed.

W.B. COPY

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1) The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
Egmore,
Chennai-600 008.

2) The Chairman/Member,
Sub Committee,
Dindigul Centre,
The Tamilnadu Uniformed Services Recruitment Board,
Egmore,
Chennai-600 008.

+One CC TO Mr.R.RAMACHANDRAN, Advocate, SR.No.59133

+One CC TO The Special Government Pleader, SR.No.59204

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

JUDGMENT MADE IN
W.A (MD) No.1313 of 2017