



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20316 of 2018

A.Arunpandian

... Petitioner

-vs-

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-008.
 2. The Chairman,
Sub Committee TN Uniformed Service Recruitment Board,
Virudhunagar Centre,
Virudhunagar.
 3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to participate in the second stage of physical examination for rope climbing event on an alternate date or on the date fixed by this Honourable court, consequently allow the petitioner for the next level of selection process in pursuant of TNUSRB combined recruitment for Grade-II Police Constables/Grade-II Warders/Firemen (Men & Women) 2017-2018, if the petitioner found eligible in rope climbing event.

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.K.Chellapandian
Addl. Advocate General
Assisted by Mr.A.K.Baskara Pandian
Spl.Govt.Pleader

O R D E R

This petition has been filed, seeking to direct the respondents herein to permit the petitioner to participate in the second stage of physical examination for rope climbing event on an alternate date or on the date fixed by this Court in TNUSRB combined recruitment for Grade-II Police Constables/Grade-II Warders/Firemen (Men &



Women) 2017-2018, if the petitioner is otherwise found eligible in rope climbing event.

Brief Facts:

2. The case of the petitioner is that he has applied for the post of Grade II Police Constables (Men) / Grade II Jail Warders (Men) / Firemen for the year 2017-2018 and secured 55 marks in the written examination, thereby he was eligible for Physical Endurance Test. After clearance of 1st stage of his physical examination, he was waiting for the next round of selection process, scheduled to be held on 05.09.2018;

2.1. While so, when he was standing in a queue in front of 2nd respondent's office for attending the next level of selection process on 05.09.2018, he met with an accident and suffered injury, as an unknown car had hit against the standing queue and he was admitted in Virudhunagar Government Hospital, wherein it was diagnosed that his left collar bone was broken and after intensive treatment in a private hospital, subsequently, he was discharged from the hospital in the afternoon on 08.09.2018, which made him impossible to attend the 2nd stage of physical exam;

2.2. Since he could not attend the rope climbing event on 05.09.2018, he sent a representation dated 20.09.2018 to the respondents, informing his inability to attend the test on 05.09.2018 on account of the accident. Narrating all these facts, he requested the respondents to provide for some other date to appear for the 2nd stage of physical examination. Since his representation did not evoke any response, the petitioner is before this Court with the relief stated supra. Contending that his non appearance is neither wilful nor wanton, but only due to the accident that had taken place on 05.09.2018, it is prayed that an alternate date may be provided to the petitioner so as to enable him to appear for the 2nd stage of physical exam, namely, rope climbing, long jump, 400m running.

3. Learned Additional Advocate General appearing for the respondents would submit that when a date is fixed for the test, it is the duty cast upon the petitioner to attend the same and if the contention of the petitioner is accepted, there is a possibility of other candidates knocking at the doors of this Court with the similar request. He would further submit that since dates for physical measurement test, endurance test and physical examination test had already been fixed, it will certainly create confusion, if the date is rescheduled. If the request of the petitioner is acceded to, it will create a bad precedent so as to induce other candidates to knock at the doors of this Court with such request and it will stall the entire selection process. Therefore, it is prayed that this petition is devoid of merits and the same is liable to be dismissed.



4. Heard the learned counsel for the petitioner and also the Additional Advocate General appearing for the respondents. This Court also perused the material documents available on record.

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5. It is seen that the petitioner had cleared the 1st stage of physical measurement test in respect of height, chest measurement and 1500 metre running on 03.09.2018 and when he was prepared to attend the 2nd stage of physical examination, from the records, it is obvious that he met with an accident and admitted in the Government Hospital, Virudhunagar District, which was the reason as to why the petitioner did not appear for the physical examination test on 05.09.2018. Thus, it is contended that his non appearance on that date was not due to the fault of the petitioner, but on account of the unfortunate accident.

6. It is true that if the scheduled date is altered, it may pave way to other candidates to unsettle the settled candidates and bring the entire process of recruitment to a standstill. But, in the present case on hand, as could be seen from the documents produced, the fault is not on the part of the petitioner, but the destiny played a crucial role in preventing the petitioner from appearing for the test. Since the recruitment is scheduled for selection to various posts in the uniformed services, it is open to the respondents to ascertain the genuineness of the accident, in which, the petitioner was stated to be injured.

7. Be that as it may, there are evidences to show that the petitioner had met with an accident and got admitted in the hospital and as the selection process is not complete as on date, there is no hurdle on the part of the respondents in giving one more opportunity to the petitioner to participate in the physical efficiency test that may be scheduled on anyone of the dates convenient to the respondents before 22.10.2018.

8. Accordingly, this writ petition is disposed of, with the following directions:

i) the respondents are directed to fix an alternate date on or before 22.10.2018 for conducting the next level of selection process to the petitioner at the venue to be fixed by them;

ii) It is made clear that if, for any reason, it comes to light at a later point of time that any person, including the petitioner, had succeeded in the selection process by giving false averments, then the selection of that candidate is deemed to have been declared as illegal and based on this order, they can be



removed from the services at any time.

Call the matter on 24.10.2018 for reporting compliance.

Sd/-

Assistant Registrar(WRITS)

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/True Copy/

Sub Assistant Registrar(CS-II)

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To:

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-708.
2. The Chairman TN Uniformed Service Recruitment Board,
Sub Committee
Virudhunagar Centre,
Virudhunagar.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

Copy To

The Section Officer,
Writ Section,
Maduria Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Balamurugan, Advocate in SR No.18516

W.P. (MD) No.20316 of 2018

NM/RSK/SAR 2/03.10.18/4P/6C