

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2019

CORAM

The Honourable Mr.JUSTICE K.K.SASIDHARAN
and
The Honourable Ms.JUSTICE P.T.ASHA

W.A.No.1088 of 2019
and
CMP.No.7938 of 2019

1. The Chairman
Tamil Nadu Uniformed
Services Recruitment Board,
Pantheon Road,
Egmore, Chennai- 600 008.

2. The Member,
Tamil Nadu Uniformed Services
Recruitment Board,
Egmore, Chennai - 600 008.

3. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Pantheon Road,
Egmore, Chennai- 600 008.

Appellants

Vs.

R. Devika

.. Respondent

Prayer: Writ Appeal is filed under Clause 15 of Letters Patent Act praying to set aside the order dated 07.01.2019 made in W.P.No.30538 of 2018 and allow this Writ Appeal.

Prayer in W.P.No. 30538 of 2018: Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 03.10.2018 and further direct the respondent to select the petitioner for employment of Grade II Police Constable/Grade II Jail Warden under the ground of mercy.

For Appellants : Mrs. Srijayanthi, Spl.G.P

For Respondent : Mr. A. Gouthaman

J U D G E M E N T

Judgment of the Court was delivered by K.K.SASIDHARAN,J)

The respondent submitted an application for appointment to the police force as Grade II Police Constable/Grade II Jail warden. Even though the respondent came out successful in the physical endurance test and Physical efficiency test besides 400 metre running, long jump and high jump, she lost 100 metre running by a few seconds.

2. The respondent was disqualified also for the reason that she was pregnant at the time when she took part in the selection process.

3. The Writ Petition filed by the respondent, challenging her non selection, was allowed by the learned Single Judge. The said order is under challenge in this Intra Court Appeal at the instance of the Tamil Nadu Uniformed Police Services Recruitment Board.

4. We have heard arguments on behalf of both the parties. Earlier, taking into account the effort taken by the respondent in spite of her pregnancy and the successful completion of the physical and endurance tests, we directed the Director General of Police by order dated 06.08.2019 to pass a formal order selecting the respondent to the post of Police Constable. The Director General of Police pursuant to the order dated 06.08.2019 issued a provisional order of appointment to the respondent and thereafter she was sent for medical examination.

5. The respondent appeared before the medical team and successfully completed the medical examination. Thereafter, her antecedents were verified by the appellant, but nothing was adverse to her.

6. The learned Special Government Pleader submitted that the respondent would not be sent for training for a period of six months as she has undergone caesarean recently. The learned Special Government pleader on instruction submitted that the next batch of recruits would be sent for training in the month of January 2020.

7. In view of the subsequent events indicated above, there is no need for a factual adjudication of the issue in the present appeal.

8. We direct the appellants to send the respondent for training in the next batch, which according to the Department, would be in January 2020.

9. The Intra Court appeal is disposed of, with the above

direction. No costs. Consequently, Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Chairman
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Tamil Nadu Uniformed Services
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+1cc to Mr.R.Ramesh, Advocate, S.R.No. 70667

+1cc to the Government Pleader, S.R.No. 72157

W.A.No.1088 of 2019

and

CMP.No.7938 of 2019

MR (CO)

GN(30/08/2019)