

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26496, 26513 and 26520 of 2019
and

W.M.P.Nos.25871, 25874, 25876, 25877, 25882, 25885 of
2019

S.Dinesh Moorthy ... Petitioner in W.P.No.26496 of 2019

S.Priya Dharshini ... Petitioner in W.P.No.26520 of 2019

J.Manimaran ... Petitioner in W.P.No.26513 of 2019

Vs.

1.The State of Tamilnadu,
represented by its Principal Secretary,
Home Department,
Secretariat,
Chennai- 600009.

2.The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai-8.

3.The Member Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai-8.

4.The Director General of Police,
O/o. the Director General of Police,
Tamilnadu,
Chennai- 600 004.... Respondents in all Writ Petitions

COMMON PRAYER: Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus,
to direct the respondents to consider the petitioner for
appointment to the post of Sub-Inspector of Police
(Technical) in pursuant to the publication of the

provisional selection list issued by the second respondent vide his proceedings Nil dated Nil (published in the official website of the second respondent on 14.12.2018) without reference to the visual acuity (eye power) within the period that may be stipulated by this Court.

For Petitioners : Mr.H.Mohamed Imran
for M/s. Ajmal Associates
For R1 and R4 : Mr.M.Lalitha
Government Advocate

For R2 and R3 : Mr.V.Kadirvelu
Special Government Pleader

COMMON ORDER

These writ petitions have been filed seeking direction, directing the respondents to consider the petitioners for appointment to the post of Sub-Inspector of Police (Technical) in pursuant to the publication of the provisional selection list issued by the second respondent in the official website on 14.12.2018.

2.The petitioners are graduates in Engineering and they have applied for the post of Sub Inspector of Police (Technical) vide Advertisement No.1/2018 dated 11.07.2018. They have passed the written examination conducted on 30.09.2018 and also appeared for the physical measurement test followed by a viva test. On 14.12.2018, the name list of the provisionally selected candidates was published and the names of the petitioners found place in the list. During medical examination conducted by the District Head Quarters Hospital, the petitioners came to know that a new criteria was introduced to the effect that the candidates should possess eye-vision of 6/6. Since the petitioners lack the requisite eye-vision of 6/6, they were denied appointment and the other candidates were given appointment order on 25.02.2019.

3.The learned counsel for the petitioners submitted that the post of Sub-Inspector of Police (Technical) has no nexus with the the lack of eye-vision of 6/6. He further submitted that this criteria of medical examination was not mentioned in the recruitment notification and in fact, the candidates who have undergone basic eye surgery were also selected and given appointments.

4. In support of the said submission, the learned counsel for the petitioners laid strong reliance on a decision of this Court in M. Salaii Gayathri Vs. The State of Tamilnadu and others [order dated 30.04.2019 in W.P.(MD)Nos.5441 of 2019 etc., batch], wherein, considering an identical plea, in respect of the very same selection process, this Court directed the authorities to consider the candidatures of the petitioners therein, if they are otherwise found eligible.

5. Considering the fact that the original notification did not include the condition of possessing eye vision of 6/6 and also considering the fact that under identical circumstances similarly placed persons have been granted relief by this Court vide order dated 30.04.2019, referred supra, this Court finds no reason to deny the candidatures of the petitioners herein.

6. Considering the facts and circumstances of this case, this Court, without expressing any opinion, is inclined to issue a direction to the petitioners to make representation to the fifth respondent within a period of two(2) weeks from the date of receipt of a copy of this order and thereafter, the respondents are directed to consider and pass necessary orders on the petitioners representations within a period of ten(10) weeks thereafter, considering the fact that identical persons have been directed to be granted appointments.

7. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamilnadu,
represented by its Principal Secretary,
Home Department,
Secretariat,
Chennai- 600009.

2.The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai-8.

3.The Member Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai-8.

4.The Director General of Police,
O/o. the Director General of Police,
Tamilnadu,
Chennai- 600 004.

+3ccs to M/s.Ajmal Associates , Advocate SR.No. 77191
+1 cc to Government Pleader Sr.No. 77716
W.P.Nos.26496, 26513 and 26520 of 2019
and
W.M.P.Nos.25871, 25874, 25876,
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pm
A.SK(16/10/2019)



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