

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32301, 32352, 32353, 32356, 32358, 32360 & 32496 of 2019
&
W.M.P.Nos.32595, 32652, 32653, 32654, 32655, 32656, 32657,
32658, 32659, 32662, 32663 & 32829 of 2019

W.P.No.32301 of 2019:

S.Boobalan

.. Petitioner

Vs.

1.The Tamil Nadu Uniform Service
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 600 008.

2.The Director General of Police,
Kamarajar Salai,
Chennai.

3.The Chairman,
Sub-Committee & Deputy Inspector
General of Police,
Villupuram Range,
Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order C.No.R2/850/2019, dated 07.11.2019 on the file of the 3rd respondent and quash the same as illegal and direct the respondents to re-measure the height and allow the petitioner to participate in the further course of selection and consequently to appoint the petitioner in the post of Grade II Police Constable (Men, Women & Transgender) Gr.II Jail Warden (Men & Women) and firemen for the year 2018-19 if found fit.

W.P.Nos.32352, 32353, 32356, 32358 & 32360 of 2019:

1.Bhuvaneshwari

.. Petitioner in WP/32352/2019

2.Shalini.R

.. Petitioner in WP/32353/2019

3.Gandhimathi.B

.. Petitioner in WP/32356/2019

4.Suganthi

.. Petitioner in WP/32358/2019

5.Prasath .A

.. Petitioner in WP/32360/2019

Vs.

The Chairman/ Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

.. Respondents in WP.32352, 32353, 32356, 32358 & 32360/19

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Disqualification Slip issued in C.No.R2/850/2019 dated 08.11.2019 and quash the same and consequently direct the respondent to declare the petitioner herein as qualified in Physical Measurement test for the posts of Grade - II Police Constable, Grand - II Jail Warders and Fireman for the year 2019.

W.P.No.32496 of 2019:

S.Vignesh

.. Petitioner

Vs.

1.The Chairman/Director General of Police,
Tamil Nadu Uniformed Service Recruitment Board,
Pantheon Road, Egmore,
Chennai - 08.

2.The Chairman,
Sub-Committee & Deputy Inspector
General of Police,
Villupuram Range,
Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in connection with the impugned order passed in C.No.R2/850/2019, dated 06.11.2019 and quash the same and further direct the respondents to select and appoint the petitioner as Grade II Police Constable.

For Petitioner : Mr.V.Neethidurai
(in W.P.No.32301 of 2019)
Ms.B.Aparna
(W.P.Nos.32352, 32353, 32356,
35358 & 32360 of 2019)
Mr.Venkatramani
Senior Counsel
(in W.P.No.32496 of 2019)
For Respondents : Mrs.Narmadha Sampath
(in all WPs) Additional Advocate General
Assisted by
Mr.V.Kadirvelu
Special Government Pleader

C O M M O N O R D E R

Since the issue involved in all these Writ Petitions are one and the same, this Court is passing a common order. By consent of both the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

2. The above Writ Petitions are filed challenging the disqualification slips issued to them on Physical Measurement Test on various dates.

3. The case of the petitioners is that they all applied for the post of Grade - II Police Constable, Grade - II Warder and Fireman and took part in recruitment exam for the year 2019.

The petitioners have passed the written examination conducted on 25.08.2019 and their names appeared in the list of passed candidates issued by the respondent on 26.09.2019. Thereafter, the petitioners attended the Physical Measurement Test at Rajarathinam Stadium, Pudupet on various dates. It is their further case that they all have required height as specified in the notification dated 06.03.2019 for the selection process for the post of Grade - II Police Constable, Grade - II Warder and Fireman for the year 2019. However, at the time of measuring, the height of the petitioners were wrongly measured and disqualification slips were issued to them. Challenging the said disqualification slips, the petitioners are before this Court by way of the Writ Petitions.

4. The learned counsel for the petitioners would submit that the petitioners' height were wrongly measured as 169.5, 158, 155.4, 155.5, 157.9, 169 and 169.5 cms respectively in the Physical Measurement Test. However, the actual height of the petitioners are 170.2, 159, 159, 160, 160, 170 and 170 cms respectively. The learned counsel would further submit that in respect of one Prasath.A (petitioner in W.P.No.32360 of 2019), the height was measured as 170 cms, later remeasured as 169 cms and his candidature was rejected. He would further submit that, illegality was being done in the Physical Measurement Test by the authorities, for which there must be an independent authority be appointed for taking physical measurement which will enable the petitioners to qualify the said post. Accordingly, he prayed this Court to allow the Writ Petitions quashing the impugned disqualification slips.

5. Per contra, Mrs.Narmadha Sampath, learned Additional Advocate General appearing on behalf of the respondents would submit that though some of the candidates appeared in the Physical Measurement Test made an appeal before the Appeal Committee, the Appeal Committee rejected the same after the consideration. She would draw the attention of this Court to G.O.(Ms).No.60 (Police Department), dated 22.01.2015 and reiterated that common recruitment for the posts of Grade - II Police Constables, Grade - II Jail Warders and Firemen for height measurement 169.8, 169.9, 170.0, 170.1 and 170.2 cms will be read and recorded as 170 cm, whereas, 169.3, 169.4, 169.5, 169.6 and 169.7 cms will be recorded as 169.5 cm. She would further submit that the height measurements of the candidates were recorded accordingly.

6. She would further draw the attention of this Court to the Judgment dated 28.03.2018 made by the Hon'ble Division Bench of

this Court in W.A(MD).No.1265 of 2017, which would read as follows:

"4.The learned Single Bench rejected the writ petition, and perhaps rightly, observing that the petitioner/appellant had admitted that her height was 158 cms. The Writ Court was unable to find any infirmity in the rejection of her candidature. Ordinarily, the Division Bench does not interfere in appeal with an order that has otherwise rightly been passed. It is not for the Writ Court to go into the factual disputes as to whether the height of a candidate has correctly been recorded or not.

5.We have noted that there is no averment in the writ petition and/or the memorandum of appeal making any suggestion of any possible reason to deliberately disqualify the petitioner by recording a lesser height. It is not for the Writ Court to sit in appeal over measurement of height, width of the chest etc., taken at the time of measurement test. The issues raised in the writ petition involve hotly disputed questions of fact."

7. The learned Additional Advocate General would further submit that the entire Physical Measurement test is held under strict vigilance by the respondent and there is no possibility for anybody to conduct illegality in the physical measurement. Hence the apprehension raised in the Writ Petitions is unreasonable one. Accordingly, she sought for the dismissal of the Writ Petitions.

8. Heard both parties and perused entire materials available on record.

9. The issue involved in these Writ Petitions is the wrong measurement of height of the petitioners who have participated in the Physical Measurement Test for the post of Grade - II Police Constable, Grade - II Warder and Fireman. The respective heights of the petitioners are produced below in the tabular column for better understanding:

Sl.No	Writ Petition number	Name of the petitioner	Height measured in Physical Measurement Test (in cms)
1	W.P.No.32301/2019	S.Boobalan	169.5

Sl.No	Writ Petition number	Name of the petitioner	Height measured in Physical Measurement Test (in cms)
2	W.P.No.32352/2019	Bhuvaneshwari.A	158
3	W.P.No.32353/2019	Shalini.R	155.4
4	W.P.No.32356/2019	Gandhimathi.B	155.5
5	W.P.No.32358/2019	Suganthi.P	157.9
6	W.P.No.32360/2019	Prasath.A	169
7	W.P.No.32496/2019	S.Vignesh	169.5

From the above details, it is crystal clear that the petitioners are not possessing the required physical standard as mentioned in the notification dated 06.03.2019 for the selection process for the post of Grade - II Police Constable, Grade - II Warder and Fireman for the year 2019.

10. Though the core allegation is based on the wrong measurement of the height, a perusal of the Judgment made by the Hon'ble Division Bench of this Court in W.A.No.1265 of 2017 would reveal that once the Expert Authority arrived at the Physical Measurement, it cannot be interfered by the Constitutional Court unless the petitioner is able to prove his/her part materially before the Court. In the present case, the petitioners have not participated in the earlier selection process and they were participated in this selection process for the first time. Therefore, the measurement made by the Authorities cannot be interfered by this Court without any material. It is also to be noted that, it is not for the Writ Court to go into the factual disputes as to whether the height of a candidate has correctly been recorded or not.

11. Accordingly, the Writ Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Tamil Nadu Uniform Service
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 600 008.

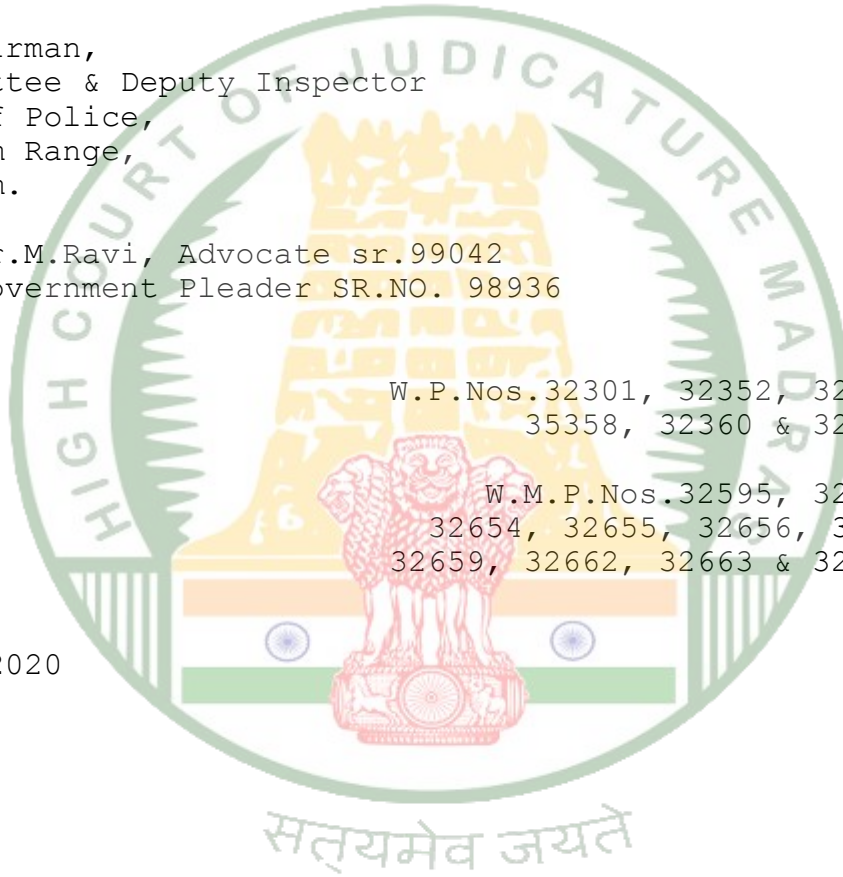
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3.The Chairman,
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Villupuram.

+1cc to Mr.M.Ravi, Advocate sr.99042
+1cc to Government Pleader SR.NO. 98936

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