

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.33134, 33137, 33140, 33142, 33146,
33272, 33273, 33275, 33277 and 33279 of 2019
and

W.M.P.Nos.33563, 33565, 33567, 33570,
33575, 33732, 33734, 33736, 33741 and 33742 of 2019

1 V.SAKTHIVEL ... PETITIONER in WP No.33134 of 2019
1 A.VIGNESHWARAN ... PETITIONER in WP No.33137 of 2019
1 A.PARTHIBAN ... PETITIONER in WP No.33140 of 2019
1 P.SATHISH ... PETITIONER in WP No.33142 of 2019
1 M.MOTHISH ... PETITIONER in WP No.33146 of 2019
1 T.KATHIRAVAN ... PETITIONER in WP No.33272 of 2019
1 P.NETHAJI ... PETITIONER in WP No.33273 of 2019
1 S.RANJITH ... PETITIONER in WP No.33275 of 2019
1 K.HARIKRISHNAN ... PETITIONER in WP No.33277 of 2019
1 V.MOHANRAJ ... PETITIONER in WP No.33279 of 2019

Vs.

1 TAMIL NADU UNIFORMED SERVICES
RECRUITMENT BOARD REP BY ITS CHAIRMAN (DGP)
OLD COMMISSIONER OF POLICE CAMPUS PANTHEON
ROAD EGMORE CHENNAI 8
2 THE CHAIRMAN
SUB COMMITTEE TAMIL NADU UNIFORMED SERVICES
RECRUITMENT BOARD OLD COMMISSIONER OF
POLICE CAMPUS PANTHEON ROAD EGMORE
CHENNAI 8

... RESPONDENTS in all W.Ps

Prayer in W.P.Nos. 33134, 33137, 33140, 33142 & 33146/2019:

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 7.11.2019 (Disqualification Slip) issued to the petitioner (Enrolment No.0304383), Enrollment Nos. 0610973, 0202605, 0610795, 0610729 respectively and quash the same and further directing the 1st respondent to consider the claim of the petitioner based on the representation dated 16.11.2019 for appointment for the post of GR.II - PC, Jail Warden, Firemen in the Common Recruitment 2019.

Prayer in W.P.Nos.33272, 33273, 33275, 33277 & 33279/2019:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd respondent made in C. No. R2/ 850/ 2019 dated 7.11.2019 (Disqualification Slip) issued to the petitioner (Enrolment No.0805078), 0610903, 0610513, 0611791 & 0610815 respectively and quash the same and further directing the 1st respondent to consider the claim of the petitioner based on the representation dated 16.11.2019 for appointment for the post of GR.II - PC, Jail Warden, Firemen in the Common Recruitment 2019.

For Petitioners : Mr.Venkatramana
(in all WPs)

For Respondents : Mr. A.N.Thambidurai - R1
(in all WPs)

Mrs.Narmadha Sampath
Additional Advocate General - R2

Assisted by

Mr.V.Kadirvelu

Special Government Pleader

Mr.A.N. Thambi Durai

Special Government Pleader for R1

C O M M O N O R D E R

These Writ Petitions are taken up and disposed of by way of common order, since the issue involved in these Writ Petitions is common.

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 168.5, 169.5, 169.0, 169.5, 169.5, 166.5, 168.5, 166.5, 169.5 and 169.6 cms respectively in the Physical Measurement Test. However, the actual height of the petitioners are 171, 171, 173, 170, 170.5, 168, 171, 167, 170 and 170.6 cms respectively. The learned counsel further mentioned the case of the petitioner namely V. Sakthivel (petitioner in W.P.No.33134 of 2019) and stated that on the date of physical measurement i.e. on 07.11.2019, the said petitioner's height was manually measured and it was marked as 169.3cms and the 2nd respondent had measured through sensor machine and marked as 169cms. Immediately, he was issued impugned disqualification slip in C.No. R2/850/2019. The learned counsel further submitted that the said petitioner belongs to the MBC community and the required norms for MBC for physical measurement test height is 170 cms. The actual height of the petitioner is 171 cms. The learned counsel 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 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 the 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 Jail Warden and Fireman. The learned counsel for the petitioners has submitted the heights measured in respect of the petitioners as mentioned below;

Sl. No	Name	W.P.No	Categor y	Height mentioned in disquali -fication slip (Cms)	Actual height of the petition ers (Cms)
1	V. Sakthivel	33134/2019	MBC	168.5	171
2	A.Vigneshwaran	33137/2019	BC	169.5	171
3	A.Parthiban	33140/2019	BC	169.0	173
4	P.Sathish	33142/2019	MBC	169.5	170
5	M.Mothish	33146/2019	MBC	169.5	170.5
6	T.Kathiravan	33272/2019	ST	166.5	168
7	P.Nethaji	33273/2019	MBC	168.5	171
8	S.Ranjith	33275/2019	SC	166.5	167
9	K.Harikrishnan	33277/2019	BC	169.5	170
10.	V.Mohanraj	33279/2019	MBC	169.6	170.6

In the above details, though the petitioner has mentioned the heights in cloumn 6 as actual heights of the petitioners, there are no materials to prove the same. Therefore, this Court with no hesitation has relied upon the heights mentioned in Col.5 and come to the conclusion 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 by way of material evidence before this Court. In the present case, the petitioners have participated in this selection process for the first time. Therefore, the measurement made by the Expert 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. With the above, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

-s/d-
Assistant Registrar(CS III)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman (DGP)
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Campus,
Pantheon Road,
Egmore, Chennai-600008.

2.The Chairman,
Sub-Committee
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Campus,
Pantheon Road,
Egmore, Chennai-600008.

+1 CC to Govt. Pleader sr 99953 & 99954
+10 Ccs to Mr.V.M. Venkatramana, Advocate sr Nos. 99262 to 99271.

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33142, 33146, 33272, 33273,
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RV(CO)
SP(13/12/2019)

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