

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 26064 of 2018
and
M.P. Nos. 30287 & 30288 of 2018

N.V.Deepa

... Petitioner

Vs.

1.The Member Secretary
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Campus
Chennai - 600 008.

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

3.The Superintendent of Police
Thiruvallur, Thiruvallur District.

... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records bearing C.No.R2/5474/2018 dated 10.09.2018 Enrolment No.5200253 and quash the same and direct the second respondent to conduct the running test for the petitioner in a fair manner for the recruitment of Grade II Police Constables Men and Women and Transgender, Grade II Jail Warden (Men and Women) and Fireman for the year 2017-18.

For Petitioner : Mr.L.Dhamodaran

For Respondents : M/s.Narmadha Sampath
Additional Advocate General
Assisted by
Mr.V.Kathirvelu [For R1&R2]
Special Government Pleader
Mr.R.S.Selvam
Government Advocate [For R3]

O R D E R

The order of disqualification slip issued to the writ petitioner stating that she was not successful in 100 meters run is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that a candidate, who was running behind the writ petitioner got selected and appointed and the writ petitioner was successful in 100 meters run and reached the point within the time limit prescribed. Thus, non-selection of the writ petitioner is not in consonance with the terms and conditions and it is contrary to the recruitment rules.

3.This Court is of an opinion that such bald allegations can never be considered in the writ proceedings. Only in the event of any malpractice or illegality or corrupt activities in the process of selection, if any established by producing adequate materials, then alone this writ court can be interfered with. In the absence of any prima facie case in respect of the allegation as stated supra, this Court is not in a position to entertain this writ petition in a routine manner.

4.The learned Additional Advocate General appearing on behalf of the respondents states that the writ petitioner has participated in the process of selection and she was not successful in 100 meters run, which was also accepted and signed in the papers. This being the factum, now she cannot turn around and say that she was successful in 100 meters run conducted by the Tamil Nadu Uniformed Services Recruitment Board.

5.The events of 100 meters, 200 meters, 400 meters, long jump and rope climbing etc are like competitions and a small slippery while performing such events will not confer any right to the candidates for seeking another round of chance. Success in athletic competitions are momental in nature and a slippery cannot be a ground to seek another chance and this Court cannot issue any direction under Article 226 of the Constitution of India to the Competent Authorities to redo the events.

6.Under these circumstances, this Court is of an opinion that in the absence of any such legal grounds, namely, malpractice, irregularity or illegality, this Court would not be in a position to grant a relief as such sought for in the present writ petition. The decision of the competent authorities in this regard are to be accepted in the absence of any discrepancies or otherwise. Thus, the present writ petition cannot be entertained as the writ petitioner has not established even a semblance of legal right, so as to consider the relief as such sought for in the present writ petition.

7. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

may a

To

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3. The Superintendent of Police
Thiruvallur, Thiruvallur District.

+1cc to Mr.L.Dhamodaran, Advocate, S.R.No. 27875
+1cc to the Government Pleader, S.R.No. 27489

W.P. No. 26064 of 2018

GJ II (CO)
GN(25/04/2019)

सत्यमेव जयते

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