



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.(MD)No.565 of 2019

and

C.M.P.(MD)No.4708 of 2019

M.Devan

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department,
Secretariat, Chennai-9.
- 2.The Inspector General of Police/
Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai 600 008.
- 3.The Director General of Police,
Tamil Nadu, Chennai 600 004.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 22.03.2019 passed by the learned Single Judge made in W.P(MD)No.18563 of 2017.

Prayer in WP(MD). 18563/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in C.No. A3/2039/2017 dated 24.08.2017 and quash the same as illegal and the consequently to direct the respondents to consider the petitioner for selection and appointment to the post of Sub Inspector of Police - 2015 recruitment within the period that may be stipulated by this Honble Court.



For Petitioner
For Respondents

: Mr.D.Sadiq Raja
: Mr.J.Gunaseelanmuthiah
Additional Government Pleader

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ORDER

[Order of the Court was made by **M.DHANDAPANI, J.**]

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The case of the petitioner is that pursuant to the notification for recruitment to the post of Sub-Inspector of Police for the year 2015, applications were called for and the petitioner also applied for the same. Since he secured the required cut-off marks in the written examination, he was allowed to participate in the Physical Measurement, Endurance Test and Physical Efficiency Test viz., rope climbing on 05.07.2015, in which, he was disqualified on the ground that he had held his legs while climbing the rope. Hence, the petitioner sought for video clippings of his proceedings, dated 23.02.2017 informed the petitioner to collect the video clippings and the petitioner received the same on 14.06.2017, in which, it is seen that he has not held his legs, while climbing the rope. Hence, the petitioner preferred an appeal to the second respondent, who in-turn, rejected the same on the ground that he has hugged/held his legs while climbing the rope.

3.Aggrrieved over the impugned order passed by the second respondent, the petitioner has filed the writ petition before this Court in W.P(MD)No.18563 of 2017. The learned Single Judge of this Court entertained the writ petition and arrived at a conclusion that the petitioner has not made out a strong case to arrive at an irresistible conclusion that the selection process is vitiated. Now the entire selection process of Sub-Inspector of Police for the year 2015 was completed and the selected candidates, after undergoing training, were posted in various places. The learned Single Judge held that while exercising, whether the authorities exercised fair play in action, reasonableness in collecting decisional materials and avoidance of arbitrariness, should not sit in appeal over the decision of the selection of the authorities and to venture into an assessment done and the correctness thereof, unless the authorities commit illegality in its procedure vitiating the selection or malafides are proved affecting the selection. Hence, we do not find any <https://hosevicesoncourts.gov.in/hosevices/> interfere with the order of the learned Single Judge. Accordingly, the writ petition is dismissed with liberty to the appellant to participate in the next selection process. No costs.



Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (vo)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Secretary to Government,
State of Tamil Nadu,
Home Department,
Secretariat, Chennai-9.

2.The Inspector General of Police/
Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai 600 008.

3.The Director General of Police,
Tamil Nadu, Chennai 600 004.

+1 CC to M/s.D.SADIQ RAJA, Advocate(SR-65804[F] dated
15/05/2019)

+1 CC to M/s.SPL GP (SR-65957[F] dated 16/05/2019)

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