



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.2674 of 2019 and
WMP(MD) .No.2022 of 2019

Rajalakshmi

... Petitioner

-Vs-

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, PT Lee Chengalvaraya Naicker Maaligai,
Annasalai, Chennai - 600 002.

2.The Superintendent of Police,
Virudhunagar District, Virudhunagar.

3.The Chairman,
Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in his proceedings in C.No.R2/5474/2018, Annexure -9, dated 06.09.2018 and quash the same as illegal, arbitrary, violation of law and further direct the respondents to conduct the 100 mts running test another time within the time stipulated by this Court.

For Petitioner : Mr.M. Jothi Basu

For Respondents : Mr. K. Chellapandian

Additional Advocate General

Asst. by. Mr.C.M. Mari Chellaiah Prabhu

ORDER

This Writ Petition has been filed to quash the impugned order passed by the 3rd respondent in his proceedings in C.No.R2/5474/2018, Annexure -9, dated 06.09.2018 and to direct the respondents to run the test afresh, within the time stipulated by this Court.



2. The case of the petitioner is that pursuant to the notification for the common recruitment for the post of Grade II Police Constables (Men, Women and Transgender) / Grade II Jail Warders (Men and Women), Fireman, for the year 2017-2018, the petitioner applied for the same. According to her, though she has completed 100 Meters running race within the prescribed time, it was wrongly measured as 17.70 seconds. Since the petitioner was disqualified only on the ground that she finished the 100 Meters running race after the cut-off time, she is before this Court with the present Writ Petition for the aforesaid relief.

3. Today, when the matter was taken up for hearing, the learned Additional Advocate General appearing for the respondents placed the Videograph of the test conducted by the authorities, before this Court.

4. Upon perusal of the Videograph, it is ascertained that the petitioner along with three other candidates completed the Test almost within the similar range. Though other three candidates were selected, the petitioner was rejected for selection. Such action taken by the respondents cannot be countenanced as it is arbitrary and illegal.

5. Thus, in view of the fact that as the petitioner completed the 100 Meters running race similar to that of other selected persons she is also entitled for selection. This Court is inclined to set aside the impugned order and issue appropriate direction to the respondent concerned.

6. Accordingly, the impugned order passed by the third respondent is set aside and the concerned respondent is directed to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, if the petitioner satisfies all other requirements.

7. This Writ Petition is allowed to the extent as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)



To:

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, PT Lee Chengalvaraya Naicker Maaligai,
Annasalai, Chennai - 600 002.

2.The Superintendent of Police,
Virudhunagar District, Virudhunagar.

3.The Chairman,
Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Virudhunagar District, Virudhunagar.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-58680[F] dated
03/04/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-58853[F] dated 04/04/2019
)

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