



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19711 of 2019

and

W.M.P (MD) .Nos.16187, 16190 and 16192 of 2019

K.Krishnaveni

... Petitioner

-Vs-

1.State of Tamil Nadu

Represented by its Principal Secretary  
Home Department, Secretariat  
Chennai 600 009

2.The Chairman

Tamil Nadu Uniformed Services Recruitment Board  
Old Commissioner of Police Office Campus  
Egmore, Chennai 8

3.The Member Secretary

Tamil Nadu Uniformed Services Recruitment Board  
Old Commissioner of Police Office Campus  
Egmore, Chennai - 8

4.The Director General of Police

Office of the Director General of Police  
Tamil Nadu, Chennai 600 004

5.The Deputy Inspector General of Police

(Technical Services),  
Office of the Deputy Inspector General of Police  
Chennai - 4

6.The Additional Director General of Police

State Crime Records Bureau  
Chennai

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 6<sup>th</sup> respondent vide his Proceedings in Rc.No.A1/46/617/SCRB/2019, dated 15.03.2019 and quash the same as illegal and consequently to direct the respondents to consider the petitioner for appointment to the post of Sub Inspector of Police (Finger Print) within the time stipulated by this Court.



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For Petitioner : Mr.S.Thangaraj  
For Respondents : Mr.K.Chella Pandian  
learned Additional Advocate General  
Assisted by  
Mr.V.R.Shanmuganathan  
Special Government Pleader

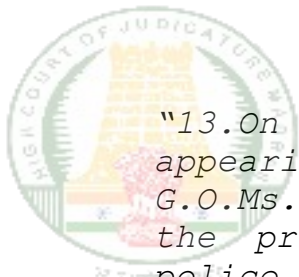
**ORDER**

The petitioner is challenging the order of the sixth respondent, dated 15.03.2019, treating the petitioner as 'Unfit' for selection to the post of Sub Inspector of Police (Finger Print).

2.The learned counsel appearing for the petitioner contended that there is no stipulation of eye power in the Notification for appointment to the post of Sub Inspector of Police (Finger Print) and it does not prescribe any visual standards. The respondents deleted the name of the petitioner from the provisional list. The learned counsel further contended that this issue was already decided by this Court in W.P(MD).No.5441 of 2019 etc. batch case and this Court allowed the said batch and directed the respondents to consider the claim of the petitioners therein for appointment to the post of Sub-Inspector of Police (Technical) and (Finger Print), in which, Paragraph Nos.17 & 18 read as follows:

*"17.In view of the foregoing reasons as well as taking into consideration the pitiable situation of the petitioners, whose candidatures were rejected due to lack of eye-vision, which can be rectified owing to technology as-on-today, and they are functioning like any other person normally, this Court deems it fit to set aside the impugned order, as it cannot be sustained in the eye of law. Accordingly, the impugned orders are set aside. The respondents are directed to consider the candidatures of the petitioners for appointment to the post of Sub-Inspector of Police (Technical) and (Finger Print) 2018, if they are otherwise found eligible. 18.While parting with the cases at hand, this Court hereby directs the respondents to include any such conditions as prescribed under the relevant Rules and the Government orders at the time of issuing notification itself in future, so that, this type of causing hurdles to the candidates, who applied on the fond hope that they will get appointment, may not arise".*

3.The learned Additional Advocate General appearing for the respondents has relied on paragraph- Nos.13 and 14 of W.P(MD). No.5441 of 2019 etc. batch which read as follows:



"13. On the contrary, the learned Additional Advocate General appearing for the respondents pointed out that as per G.O.Ms.No.1221, Home (Police.9) Department, dated 10.11.2000, the prescribed conditions came to be introduced for the police force. If that is so, nothing prevented the respondents from including such conditions even at the time of calling for the applications, so as to give opportunity to the applicants to equip themselves to be fit for the post in question. More than one decade has passed by and no efforts have been taken by the respondents to include this G.O.Ms.No.1221, Home (Police.9) Department, dated 10.11.2000, particularly, the eye vision prescribed thereunder as one of the factors to decide the candidature for the post in question. More importantly, the respondents sail in paragraph Nos.11 and 12 of the counter-affidavit filed in W.P(MD). No.4758 of 2019 to sustain their point. However, there is not even a word uttered with regard to the eye vision pointed out by the respondents.

14. It is settled law that a physical defect or deformity, which in no way interfere with the normal or efficient functioning, should not be considered as an absolute bar to public employment in regard to the posts not associated with physical activity".

4. The reasons stated in the above order are squarely applicable to the present case on hand and the issue raised by the petitioner in the present Writ petition is covered by the said W.P (MD).No.5441 of 2019 etc. batch. The reliance placed by the learned Additional Advocate General on paras Nos. 13 and 14 does not advance the case of the respondents.

5. In view of the same, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD)

// True Copy //

Sub Assistant Registrar(CS)

Msa  
To

1. The Principal Secretary  
State of Tamil Nadu  
Home Department, Secretariat  
Chennai 600 009



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State Crime Records Bureau  
Chennai

+1 CC to Mr.S.THANGARAJ, Advocate ( SR-94443[F] dated 24/10/2019 )

+1 CC to SPL GP ( SR-94270[F] dated 24/10/2019 )

**W.P. (MD) No.19711 of 2019**

**and**

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**23.10.2019**

VB(25.11.2019) 4P 9C