



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.23865 of 2019

and

W.M.P(MD).Nos.20491, 20492, 20494 and 22881 of 2019

T.Thirumurugan

... Petitioner

/vs./

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

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

... 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 pertaining to the impugned order made in C.No.R2/850/2019 dated 06.11.2019 passed by the second respondent and quash the same and consequently direct the respondents to re-conduct physical measurement test for the petitioner and thereby permit him to participate in the other recruitment process to the post of Grade II Police Constable (Men, Women & Transgender), Grade II Jail Warder (Men & Women) and fireman for the year 2019.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.K.Chellapandian
Additional Advocate Generality
assisted by Mr.V.R.Shanmuganathan
Spl.GP.

ORDER

This writ petition has been filed to quash the order made in C.No.R2/850/2019, dated 06.11.2019 passed by the second respondent and consequently, direct the respondents to re-conduct physical measurement test for the petitioner and thereby, permit him to participate in the other recruitment process to the post of Grade II



Police Constable (Men, Women & Transgender), Grade II Jail Warder (Men & Women) and fireman for the year 2019.

2. Heard the learned counsel appearing for the petitioner and learned Additional Advocate General assisted by learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would submit that after the chest test, he had sought for an appeal for re-measurement, which was not permitted by the respondents.

4. The learned Additional Advocate General has filed the counter affidavit, in which they have categorically denied this request for an appeal. The counter also states that about 40 candidates preferred an appeal for re-measurement of chest, out of which, 14 candidates were qualified in the chest measurement. It is also stated that in case, the petitioner had sought for an appeal, the same would be reflected in the disqualification slip, which the petitioner received by subscribing his signature therein.

5. In view of the decision of the **Hon'ble Division Bench of this Court in W.A(MD).No.1465 of 2017 dated 28.03.2018** in the case of **M.Govindammal Vs., The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Old Commissioner Police Office Campus, Pantheon Road, Egmore, Chennai-08**, this Court, exercising its power under Article 226 of the Constitution of India, may not be entitled to sit in appeal over the measurement on height or width of the chest taken in the time of measurement test conducted by the Uniform Service Recruitment Board (USRB). The reliance on the medical certificate produced by the learned counsel for the petitioner with regard to the chest measurement is also covered by another decision of the **Hon'ble Division Bench of this Court** in the case of **N.Gajendran Vs., The State of Tamil Nadu, rep., by its Secretary, Home Department, Secretariat, Chennai** in **W.A.No.1295 of 2015, dated 01.02.2016**, wherein the ascertainment of the measurement of candidate is for the concerned authority to decide and any external aid in this regard, such as medical certificate, cannot be looked into, as such, this Court is not inclined to interfere with the impugned disqualification slip.

6. If at all the petitioner is of the view that the chest measurement was not properly conducted or that his chest measurement is normal as well as expanded state is over and above the prescribed measurement, it is always open to him to seek for the video recordings through Right To Information Act and in case, such video recordings obtained reveals that the petitioner has qualified himself, it is open to him to redress his grievance in the manner known to law.



7. With the above observation, this Writ Petition stands closed.
No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

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

Order made in
W.P.(MD) No.23865 of 2019
12.12.2019

MK (06.01.2020) 3P 3C