



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.23925 of 2019

and

W.M.P (MD) .No.20536 of 2019

M.Kavin

... Petitioner

/vs./

1.The Tamil Nadu Uniform Service Recruitment Board,
rep., by its Member Sercretary,
Old Commissioner Office Campus,
Pandhiyan Road,
Egmore, Chennai 600 008.

2.The Chairman,
Recruitment Sub-Committee, Madurai Centre &
Deputy Inspector General of Police,
Madurai Range, Madurai.

... Respondents

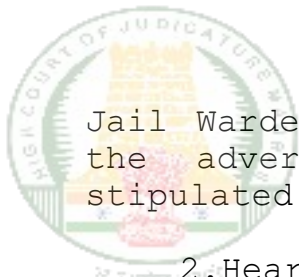
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication (disqualification slip-men) in C.No.R2/850/2019 dated 06.11.2019 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to admit the petitioner for the chest measurement test again and further course of selection for recruitment to the post of Grade II Police Constable or Grade II Jail Warder or firemen in the common recruitment as notified vide the advertisement No1/2019 dated 06.03.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.R.Sethuraman,
Special Government Pleader

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 to direct the respondents to admit the petitioner for the chest measurement test again and further course of selection for recruitment to the post of Grade II Police Constable or Grade II



Jail Warder or Firemen in the common recruitment as notified vide the advertisement No1/2019 dated 06.03.2019 within the time stipulated by this Court.

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. 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 Section 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 a decision of the another **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, 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 medical certificate cannot be looked into, as such, this Court is not inclined to interfere with the impugned disqualification slip.

4. If at all the petitioner is of the view that the chest measurement was not properly conducted or that his chest measurement in 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.

5. With the above observation, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Pantheon Road, Egmore,
Chennai-08.

2.The Chairman,
Sub-Committee Madurai Centre &
Deputy Inspector of Police,
Madurai Range, Madurai.

+1 CC to M/s.M/S.S.LOUIS, Advocate (SR-104790[F] dated 13/12/2019)

Order made in
W.P. (MD) No.23925 of 2019
Dated:12.12.2019

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avs (CO)
TR(22.01.2020) 3P 4C