



WEB COPY

W.P. (MD) No.24335 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.24335 of 2019

and

W.M.P (MD) .Nos.20954 and 20955 of 2019

A.Dharun Kumar

... Petitioner

/Vs./

1.The Chairman,

Tamil Nadu Uniformed Services Recruitment Board, Chennai 600 008.

2.The Chairman/Sub Committee,

Tamil Nadu Uniformed Services Recruitment Board, Chennai-8.

3.The Member Secretary,

Tamil Nadu Uniformed Services Recruitment Board, Chennai-8.

4.The Superintendent of Police, Dindigul District, Dindigul.

5.The In-Charge Officer,

Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8.

... 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 second and fifth respondents against the petitioner vide his proceedings in impugned order in C.No.R2/850/2019 dated 06.11.2019 and to quash the same in so far as the petitioner is concerned as arbitrary and consequently to direct the respondents to permit the petitioner to participate in the further course of selection process in the Common Recruitment for the posts of Gr.II Police Constable, Gr.II Jail Warder and Firemen for the year 2019.

For Petitioner : Mr.M.S.Jeyakarthik

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 and fifth respondents and consequently, to direct the respondents to permit

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the petitioner to participate in the further course of selection process in the Common Recruitment for the posts of Gr.II Police Constable, Gr.II Jail Warder and Firemen 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.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 Petitions are closed.

Sd/-

Assistant Registrar(CS)

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/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai 600 008.
- 2.The Chairman/Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8.
- 3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8.
- 4.The Superintendent of Police,
Dindigul District, Dindigul.
- 5.The In-Charge Officer,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8.

Order made in
W.P. (MD) No.24335 of 2019
Dated:12.12.2019

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AVS (CO)
TR(22.01.2020) 3P 6C