



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.24938 of 2019

and

W.M.P(MD)Nos.21527 and 21530 of 2019

R.Alaguraja

... Petitioner

vs.

1.Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Chairman,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

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

3.The Chairman,
Police Selection Sub-Committee,
Dindigul.

... 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 of the impugned disqualification slip C.No.R2/850/2019, dated 19.11.2019, passed by the third respondent, quash the same and consequently, direct the third respondent to re-conduct the Physical Measurement Test and proceed further in accordance with law in the matter of selection and appointment.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.K.Chellapandian
Additional Advocate General
Assisted by
Mr.VR.Shanmuganathan
Special Government Pleader



ORDER

This Writ Petition has been filed seeking to quash the impugned disqualification slip C.No.R2/850/2019, dated 19.11.2019, issued by the third respondent and a consequential direction to the third respondent to re-conduct the Physical Measurement Test and proceed further in accordance with law in the matter of selection and appointment for the post of Grade-II Police Constable, Grade-II Jail Warder and Firemen.

2.The petitioner participated in the selection for the post of Grade-II Police Constable, Grade-II Jail Warder and Firemen. The petitioner was successful in the written examination and he was called for further Physical tests. According to the petitioner, he got selected in the Physical Measurement Test and Endurance Test. He was called for further Physical Efficiency Test to be conducted on 19.11.2019. Accordingly, the petitioner participated in the said test. While so, the third respondent without properly examining the physical measurement in a proper way, has rejected his candidature. Even though the petitioner has cleared the other tests conducted for getting appointment in Uniformed Services, he has been disqualified in long jump event and hence, he should be given another chance.

3.Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents contended that the contention of the petitioner is incorrect, as he was given two chances in the long jump event and in both the occasions, the petitioner has not reached the required length. This being the factum of the case, there is no reason whatsoever to interfere with the order of rejection. It is his further contention that the claim of the petitioner involves disputed question of facts, which cannot be decided in a Writ proceeding. In support of his contention, the learned Additional Advocate General relied on the judgment of a Division Bench of this Court in **Balasubramanian Vs. The State of Tamil Nadu, Rep. by the Secretary to Government and another [W.A.(MD)No.792 of 2010, dated 18.11.2010]**, wherein at Paragraph 4, it has been held as follows:-

''4.The allegations mentioned in the affidavit are all being factual aspects, the Writ Court sitting under article 226, cannot entertain the order. However, the learned Single Judge, while considering the same issue has observed that the appellant having not been successful in proving his efficiency by coming up to the expectations of the selection committee, cannot come to the Court with a complaint that the selection committee has failed to put proper or sufficient powder on the rope. When hundreds of candidates were able to participate in the rope climbing test successfully for the reasons that two of the candidates were not able to be successful in the rope climbing test, the writ Court cannot entertain this



allegation not hold any roving enquiry. The very fact that the petitioner having become unsuccessful in the physical efficiency test, cannot challenge the method of conducting the physical efficiency test, however, in our considered view, the learned Single Judge has considered the same, therefore, we do not find any infirmities in the order. Accordingly, Writ Appeal fails and is dismissed. Consequently, connected miscellaneous petition is also dismissed. No costs".

4.Further, the learned Additional Advocate General relied on the judgment of the judgment of this Court in **M.Govindammal Vs. The Chairman, Tamil Nadu Uniformed Services Recruitment Board and another [W.A.(MD)No.1265 of 2017, dated 28.03.2018]**, wherein at Paragraph 5, it has been held as follows:-

'5.We have noted that there is no averment in the writ petition and/or the memorandum of appeal making any suggestion or any possible reason to deliberately disqualify the petitioner by recording a lesser height. It is not for the Writ Court to sit in appeal over measurement of height, width of the chest etc., taken at the time of measurement test. The issues raised in the writ petition involve hotly disputed questions of fact.'

5.Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.

6.On a perusal of the impugned order, it is seen that the petitioner was given two chances in the long jump event. Hence, this Court is not inclined to grant one more chance to him. If this Writ Petition is allowed, certainly the other candidates, who are similarly placed like that of the petitioner herein, not only in long jump, but also in other physical efficiency test, may approach this Court and it will amount to opening a pandora-box. As the petitioner has been given two chances in the physical efficiency test viz., long jump and he has not reached the required distance in the said test, the impugned disqualification order is perfectly in order.

7.In view of the above, the relief sought for by the petitioner cannot be granted. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



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+1 CC to M/s.K. GUHAN, Advocate (SR-101290[F] dated 26/11/2019)

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