



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 27.11.2019**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P. (MD)No.25146 of 2019**

**and**

**W.M.P (MD) .No.21739 of 2019**

WEB COPY

T.Pandiselvi

... Petitioner

-Vs-

1.The Chairman

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

2.The Chairman

Sub Committee  
Tamil Nadu Uniformed Services Recruitment Board  
Virudhunagar Centre  
Virudhunagar

....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 dated 19.11.2019 in C.No.R2/850/2019 passed by the 2<sup>nd</sup> respondent and quash the same as illegal and consequently direct the respondents to conduct a fresh efficiency test for the petitioner (Enrolment Number 7500621) for the post of Grade-II Constable, Grade-II Jail Warders and Fireman in the Tamil Nadu Uniformed Services Recruitment Board- 2019.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.Chellapandian

Additional Advocate General

Assisted by

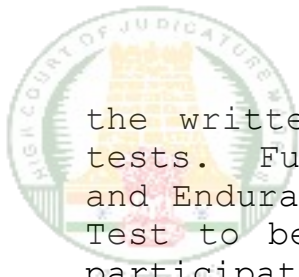
Mr.S.Dhayalan

Government Advocate

**ORDER**

This Writ petition has been filed to call for the records pertaining to the impugned order dated 19.11.2019 in C.No.R2/850/2019 passed by the 2<sup>nd</sup> respondent and quash the same as illegal and consequently direct the respondents to conduct a fresh efficiency test for the petitioner (Enrolment Number 7500621) for the post of Grade-II Constable, Grade-II Jail Warders and Fireman in the Tamil Nadu Uniformed Services Recruitment Board- 2019.

2.According to the petitioner, she participated in the selection process for the post of Grade-II Police Constable, Grade-II Jail Warders and Firemen. The petitioner was successful in



the written examination and she was called for further Physical tests. Further, she got selected in the Physical Measurement Test and Endurance Test. She was called for further Physical Efficiency Test to be conducted on 19.11.2019. Accordingly, the petitioner participated in the said test and jumped over 3 meters in the first chance. The Officials of the second respondent informed that the petitioner was qualified in the long jump event. Thereafter, it was informed that the petitioner touched the starting line, hence, the first chance was made as foul. Therefore, the second chance was given to her. In the second chance, the petitioner touched the starting mark line and fell down. Therefore, disqualification slip dated 19.11.2019, has been issued to her. Further, according to the petitioner, even though the petitioner has cleared the other tests conducted for getting appointment in Uniformed Services, she has been disqualified in long jump event and hence, she should be given another chance.

3.Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents contended that the petitioner was given two chances in the long jump event and in both the occasions, she made foul in her attempts and therefore, the case of the petitioner would not be considered once again. 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 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.Considering the submission of the learned Additional Advocate General appearing for the respondents that already the petitioner was given two chances in the long jump event, this Court is not inclined to grant one more chance to her. 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 tests, 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 she did foul 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 Petition is closed.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar (CS)



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Virudhunagar Centre  
Virudhunagar

+1 CC to MR.R. VENKATESAN, Advocate ( SR-102278[F] dated  
28/11/2019 )

+1 CC to SPL GP ( SR-102380[F] dated 28/11/2019 )

**W.P. (MD)No.25146 of 2019**  
**and**  
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