



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.25211 of 2019

and

W.M.P(MD).Nos.21789 and 21790 of 2019

K.Meenakshi

... Petitioner

-Vs-

1.The Chairman

Tamil Nadu Uniformed Services Recruitment Board
Chennai - 8

2.The Chairman

Sub Committee Madurai Centre
& Deputy Inspector General of Police
Madurai Range
Madurai

3.The Member Secretary

Tamil Nadu Uniformed Services Recruitment Board
Chennai - 8

4.The Superintendent of Police

Madurai District
Madurai

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 entire records, relating to the impugned order, passed by the 2nd and 5th respondents against the petitioner vide his proceedings in impugned disqualification order in C.No.R2/850/2019 dated 21.11.2019 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 Fireman for the year 2019.

For Petitioner : Mr.M.S.Jeyakarthick

For Respondents : Mr.K.Chellapandian

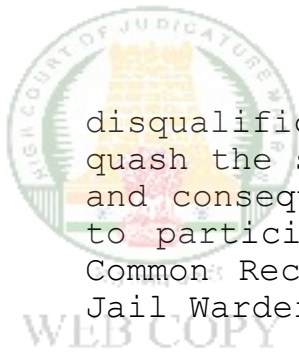
Additional Advocate General

Assisted by Mr.V.R.Shanmuganathan

Special Government Pleader

ORDER

This Writ petition has been filed to call for the entire records, relating to the impugned order, passed by the 2nd and 5th respondents against the petitioner vide his proceedings in impugned



disqualification order in C.No.R2/850/2019 dated 21.11.2019 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 Fireman for the year 2019.

2.The learned counsel appearing for the petitioner submitted that the petitioner participated in the selection process for appointment to the posts of Grade - II Police Constable (Men, Women and Transgender) / Grade - II Jail Warder (Men and Women) and Fireman (Men) for the year 2019 and successfully completed all the tests on 18.11.2019. It is his further contention that during physical efficiency test, viz., running race, the petitioner has completed 100 meters running within the prescribed time limit fixed by the respondents. However, the respondents have erroneously recorded that the petitioner has not completed running within the prescribed time limit and disqualified the petitioner and therefore, he has prayed for allowing the Writ Petition.

3.Per contra, the learned Additional Advocate General appearing for the respondents contended that the entire selection process has been videographed, which would reveal that the petitioner has not completed 100 meters running event within 17.50 seconds. She has completed the running event by 18.13 seconds 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 the petitioner has not reached the required distance within the prescribed time limit in the running 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 running event, but also in other physical efficiency tests, may approach this Court and it will amount to opening a pandora-box. As the petitioner has not reached the required distance in the running event within the time limit as prescribed in the notification issued by the first respondent, 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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



- msa
To
- 1.The Chairman
Tamil Nadu Uniformed Services Recruitment Board
Chennai - 8
 - 2.The Chairman
Sub Committee Madurai Centre
& Deputy Inspector General of Police
Madurai Range
Madurai
 - 3.The Member Secretary
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 - 4.The Superintendent of Police
Madurai District
Madurai
 - 5.The In-Charge Officer
Tamil Nadu Uniformed Services Recruitment Board
Chennai -8

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-102145[F]
+1 CC to M/s.SPL GP (SR-102382[F] dated 28/11/2019)

SMA/13/01/2020/4P/8C

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