



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2019**

CORAM:

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

W.P.(MD) No.25635 of 2019

and

W.M.P(MD).Nos.22195 and 22197 of 2019

Manikandan

... Petitioner

/vs./

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, Madruai.

... 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 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 direct the respondents to remeasure the chest of the petitioner and reconduct the physical efficiency test to the petitioner in respect of recruitment of Grade II Police Constable/Grade II Jail Warden and Fireman.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.K.Chellapandian  
Additional Advocate Generality  
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 direct the respondents to re-measure the chest of the petitioner

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and re-conduct the physical efficiency test to him in respect of recruitment of Grade II Police Constable/Grade II Jail Warden and Fireman.

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 by exercising its power under Article 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 Uniformed 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 an another decision of the ***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***, wherein the ascertainment of the measurement of candidate is for the concerned authority to decide and any external aid in this regard, such as 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 ( )

// True Copy //

Sub Assistant Registrar(CS)



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, Madruai.

+1 CC to M/s.M/S.S.CHELLAPANDIAN, Advocate (SR-105043[F] 16/12/2019)

Order made in  
W.P. (MD) No.25635 of 2019

rmk

SDS/03.01.2020/3P-4C