



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2019**

CORAM:

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

W.P. (MD) No. 25861 of 2019

and

W.M.P (MD) Nos. 22368 to 22370 of 2019

J. Lakshmanan

... Petitioner

/vs./

1. The Chairman,
Sub-Committee,
Tamilnadu Uniform Service Recruitment Board,
Old Commissioner of Police Campus,
Panthean Road, Egmore,
Chennai-600 008.

2. The Appellate Authority,
Tamilnadu Uniform Service Recruitment Board,
Old Commissioner of Police Campus,
Panthean Road, Egmore,
Chennai-600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondents resulting in the second respondent's impugned Disqualification Slip dated 06.11.2019 issued in C.No.R2/850/2019 and quash the same in for as it affects the petitioner and directing the respondents to permit the petitioner to undergo the physical Test such as running 400 and 1500 mtrs, Rope Claiming and Long Jump and any other test to measure the expansion of the petitioner's Chest in front of any unbiased police officials within the time stipulated by this Court.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.K.Chellapandian,
Additional Advocate General,
assisted by
Mr.R.Sethuraman,
Special Government Pleader.

**ORDER**

The grievance of the petitioner is that though his Chest measurement is expanded by 5 cms, the respondents have not taken the same into account. In this background, the petitioner seeks for retest to be conducted. The Hon'ble Division Bench of this Court in various decisions have stated that this Court, in exercise of the power under Article 226 of the Constitution of India, cannot go into the factual aspects of recruitment test and this Court cannot be used as a forum for ordering retest.

2.The learned counsel for the petitioner submitted that the signature of the petitioner was not obtained after the original Chest measurement test, which aspect has been negated when the learned Additional Advocate General has produced the copy of the coding sheet, which evidences his signature.

3.The second objection raised by the learned counsel for the petitioner is that the petitioner has given an appeal before the respondent seeking for retest on 09.11.2019 after the test was originally contested on 06.11.2019. The learned Additional Advocate General would rely upon the clarification letter dated 24.07.2018 issued by the Home Department, Government of Tamil Nadu stating that the physical measurement test would be conducted at the end of the each day. When that being the case, it would not appropriate to order for re-test based on the appeal made by the petitioner after three days. This Court is conscious of the fact that by doing so, the floodgate will be opened to the unsuccessful candidates seeking re-measurement/re-test.

4.The learned counsel for the petitioner also raised further ground stating that the appeal against the first measurement was not informed to him. The learned Additional Advocate General would submit that all the candidates were orally informed that in case they were dissatisfied with the first measurement, it is open to them to approach the appellate committee. In pursuant to such an information, many of the unsuccessful candidates in the first measurement had sought for re-measurement on the same day, which was also complied with.

5.In view of such submission, I do not find any reason to interfere and order for retest. However, if the petitioner is of the view that the original measurement was not properly taken, it is always open to the petitioner to cross-check the same by making an appropriate application under the Right To Information Act [RTI] seeking for video recording of the measurement taken and on verification of such recording, if the petitioner is of the view that he has qualified the measurement, it is open to the petitioner to redress his grievances in the manner known to law.



6. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp
to

1. The Chairman,
Sub-Committee,
Tamilnadu Uniform Service Recruitment Board,
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Chennai-600 008.

2. The Appellate Authority,
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+1 CC to M/s.V.R.VENKATESAN, Advocate (SR-105785[F] dated 19/12/2019)

+1 CC to M/s.SPL.GP (SR-105911[F] dated 19/12/2019)

Order made in
W.P.(MD) No.25861 of 2019
and

W.M.P (MD) Nos.22368 to 22370 of 2019

mr (CO)
TR(06.01.2020) 3P 5C