



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) Nos. 25839, 25042, 25157, 25166, 25175, 25179, 25604, 25645,
25857, 25887, 25894, 25907, 25910, 25938, 25941, 25944 of 2019

and

W.M.P. (MD) Nos. 21633, 21751, 21752, 21755, 21760, 21762, 21765, 21766,
22174, 22175, 22211, 22213, 22345, 22346, 22362, 22363, 22365,
22426, 22427, 22429, 22431, 22439, 22440, 22441, 22442, 22461,
22463, 22464, 22465, 22468 and 22469 of 2019

M.Selvanayagi	... Petitioner in WP(MD). 25839/ 2019
V.Priya	... Petitioner in WP(MD). 25042/ 2019
N.Jeya Lakshmi	... Petitioner in WP(MD). 25157/ 2019
Madhumitha	... Petitioner in WP(MD). 25166/ 2019
S. Sandhiya	... Petitioner in WP(MD). 25175/ 2019
A.Poomari	... Petitioner in WP(MD). 25179/ 2019
P Nandhini	... Petitioner in WP(MD). 25604/ 2019
E. Kaleeswari	... Petitioner in WP(MD). 25645/ 2019
M.Sureka	... Petitioner in WP(MD). 25857/ 2019
S. Mareeswari	... Petitioner in WP(MD). 25887/ 2019
F.Jasmine Praveena	... Petitioner in WP(MD). 25894/ 2019
R.Kavitha	... Petitioner in WP(MD). 25907/ 2019
K. Kalaiselvi	... Petitioner in WP(MD). 25910/ 2019
K.Pagavathi	... Petitioner in WP(MD). 25938/ 2019
M.Kansiya	... Petitioner in WP(MD). 25941/ 2019
R.Sivasakthi	... Petitioner in WP(MD). 25944/ 2019

/ VERSUS /

1. The Chairman Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus, Pantheon Road, Egmore,
Chennai-008.

2. The Chairman Sub Committee, Tamilnadu Uniformed Service
Recruitment Board, Ramanathapuram Centre, Ramanathapuram

... Respondents in WP(MD) Nos. 25839, 25042, 25157, 25166,
25175, 25179, 25604, 25645 and 25857/ 2019



1. The Chairperson Tamil Nadu Uniformed Services Recruitment Board, 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 Superintendent of Police Ramanathapuram Dist
4. The Chairman Sub Committee Tamil Nadu Uniformed Services Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008

... Respondents in WP(MD) Nos. 25887, 25907, 25910, 25938, 25941 and 25944 / 2019

1. The Chairperson Tamil Nadu Uniformed Services Recruitment Board, 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 Superintendent of Police Sivagangai Dist
4. The Chairman Sub Committee Tamil Nadu Uniformed Services Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008

... Respondents in WP(MD). 25894/ 2019

Common Prayer in WP(MD). 25839, 25887, 25894, 25907, 25910, 25938, 25941 and 25944/ 2019 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to allow the petitioners to participate in the certificate verification for the post of Grade II Constable (Men, Women, Transgender), Grade II, Jail Warders (Men Women) and Firemen (Men) in the Tamilnadu Uniformed Services Recruitment Board 2019.

Common Prayer in WP(MD) Nos. 25042, 25157, 25166, 25175, 25179, 25604, 25645 and 25857/ 2019 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dt 21.11.2019 in C.no.R2/850/2019 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents to allow the petitioners to participate in the certificate verification for the post of Grade II constable Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2019.



For Petitioner :

Mr.R.Venkatesan, Advocate in WP(MD)Nos. 25839, 25857, 25042, 25157, 25166, 25175 and 25179 / 2019

Mr.K.Baalasundharam, Advocate in WP(MD)Nos. 25887, 25894, 25907, 25910, 25938, 25941 and 25944 / 2019

Mr.R.Aravind Raj, Advocate in WP(MD)Nos. 25604 and 25645 / 2019

For Respondent :

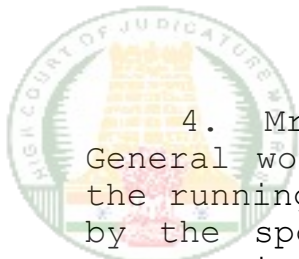
Mr.P.H.Aravind Pandian, Additional Advocate General - II assisted by **Mr.R.Sethuraman**, Special Government Pleader and **Mr.C.V. Shailandhran**, Government Advocate (in all WPs)

COMMON ORDER

All the petitioners herein had participated in the recruitment for the post of Grade-II Constable [Men, Women, Transgender], Grade II Jail Warders [Men, Women] and Firemen [Men] in the Tamil Nadu Uniformed Services Recruitment Board, 2019. The petitioners herein, after having qualified themselves in the physical measurement test, were subjected to physical endurance test of 200 Mtrs., running. The event of 200 Mtrs., Running was held on 20.11.2019 at Seethakathi Sethupathy Stadium Collectorate Complex, Ramanathapuram, in which 225 candidates participated. Among 225 candidates, 134 had qualified, by completing the aforesaid event within 38 seconds.

2. It is stated that based on certain complaint that the ground at Seethakathi Sethupathy Stadium Collectorate Complex, Ramanathapuram, was not suitable in view of unprecedented rain, the respondents had chosen to cancel the event conducted on 20.11.2019 and had called upon all the candidates to participate in 200 Mtrs., running event on 21.11.2019 at Raja Higher Secondary School Playground. Among 225 candidates, who had participated in 200 Mtrs., running event on 21.11.2019, 115 of them were qualified and 35 candidates, who had earlier qualified in 200 Mtrs., Running event on 20.11.2019, were disqualified. It would be pertinent to point out here that among 91 disqualified candidates in the 200 Mtrs., Running event held on 20.11.2019, 16 of them had qualified themselves on the subsequent event held on 21.11.2019. All the petitioners herein are among the candidates, who were disqualified in the second event held on 21.11.2019.

3. It is the case of the petitioners that they had qualified themselves in the first event held on 20.11.2019 and the respondents were not justified in subjecting them to second event on 21.11.2019, since they had already qualified themselves on 20.11.2019.



4. Mr.P.H.Arvind Pandian, the learned Additional Advocate General would submit that due to unprecedented rain on 20.11.2019, the running track itself was found unsuitable, which was also opined by the sports officials and therefore, in order to give a fair opportunity to all the candidates, the respondents had cancelled the original event held on 20.11.2019 and conducted a retest on 21.11.2019. The learned Additional Advocate General II fairly submitted that the candidates, who had earlier qualified themselves on 20.11.2019, deserve to be selected in view of their earlier qualifications and therefore, their disqualifications on 21.11.2019 should not be put against them.

5. With appreciation to such a submission made by the learned Additional Advocate General II, this Court is also of the view that the candidates, who had qualified themselves on 20.11.2019 even under precarious conditions of the ground due to the unprecedented rain, ought not to have been subjected to second test (retest) and proper mode that could have been adopted is to approve their earlier qualification and they ought not to have been subjected to a retest. As a matter of fact, these candidates, who completed the running test under 38 seconds, under precarious conditions, stand in a better footing.

6. It is also seen that the candidates, who could not make it in the 20.11.2018 test were extended with an opportunity in the second event on 21.11.2019 and Sixteen (16) out of them had qualified in the retest on 21.11.2019.

7. In the light of the submissions made by the learned Additional Advocate General and the observations made by this Court, all the petitioners would be entitled to succeed in these writ petitions. Accordingly, the impugned orders all dated 21.11.2019 in C.No.R2/850/2019 passed by the second respondent in W.P.(MD) No.25042, 25157, 25166, 25175, 25179, 25604, 25645, 25857 of 2019 are set aside. Consequently, the respondents are directed to permit the petitioners to participate in the certificate verification for the post of Grade-II Constable [Men, Women, Transgender], Grade II Jail Warders [Men, Women] and Firemen [Men] in the Tamil Nadu Uniformed Services Recruitment Board, 2019.

8. At this juncture, it is brought to the notice of this Court that out of Thirty Five (35) candidates, who were found to be disqualified in the second test held on 21.11.2019, only Sixteen (16) of them had approached this Court. This Court is of the affirmed view that when these Sixteen (16) persons are being extended the benefit, the rest of the Nineteen (19) candidates who had not approached this Court, would also be entitled for a similar relief. As such, it can only be observed that the respondents herein shall endeavor to take into account the rest of the Nineteen (19) candidates, who had not approached this Court and permit them to



appear for certificate verification.

9. It is made clear that present order will entitle only the petitioners herein as well as the other similarly placed persons as observed above, for the benefit. However, the Certificate verification and further process of selection shall be in accordance with the procedures contemplated.

10. All the Writ Petitions are ordered accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

Sub Assistant Registrar (CS)

sm

To

1. The Chairman Tamilnadu Uniformed Services Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008.
 2. The Chairperson Tamil Nadu Uniformed Services Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008
 3. The Member Secretary Tamil Nadu Uniformed Services Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008
 4. The Chairman Sub Committee Tamil Nadu Uniformed Services Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008
 5. The Chairman Sub Committee, Tamilnadu Uniformed Service Recruitment Board, Ramanathapuram Centre, Ramanathapuram.
 6. The Superintendent of Police Ramanathapuram District.
 7. The Superintendent of Police Sivagangai District.
- + 1 CC to Mr.R.Venkatesan, Advocate (SR 105520)
+ 7 CCs to Mr.K.Baalasundharam, Advocate (SR 105282)
+ 2 CCs to Mr.R.Aravind Raj, Advocate (SR 105417 & 105418)
+ 1 CC to Special Government Pleader (SR 105545)



WEB COPY

W.P. (MD) No.25839 of 2019 etc.,

Common Order made in
W.P. (MD) Nos.25839, 25042, 25157, 25166,
25175, 25179, 25604, 25645, 25857,
25887, 25894, 25907, 25910, 25938,
25941, 25944 of 2019
Dated: 16.12.2019

SGS (CO)
TR(18.12.2019) 6P 19C