

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

DATED: 07.06.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No. 5117 of 2011**

WEB COPY

C.Prenitha

... Petitioner

Vs.

1.The Director,
Tamil Nadu Uniformed Services
Recruitment Board,
807, 2nd Floor,
Annasalai,
Chennai.-2.

2.The Director General of Police,
Santhome,
Chennai-600 004.

3.The Commissioner of Police,
Madurai District,
Madurai.

4.The Superintendent of Police,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Ref.Na.Ka.No.R1/1600/2011 dated 05.04.2011 and quash the same and consequently, direct the 1st respondent herein to conduct fresh Physical Examination Test to the petitioner and appoint the petitioner as constable in the event of the petitioner securing required marks in the physical Examination and pass such further or other orders as this Court may deem and proper in the circumstances of this case.

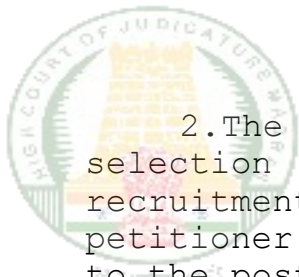
For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.C.Ramar

Additional Government Pleader

ORDER

The reply given by the Public Information Officer under Right To Information Act, in proceeding dated 05.04.2011 is under challenge in the present writ petition.



2.The impugned order states that the cut-off marks for selection to the post of Grade-II Police Constable, during the recruitment of the year 2008 for BC Community was 37. The writ petitioner secured 34 marks. Thus, the petitioner was not selected to the post of Grade-II Police Constable.

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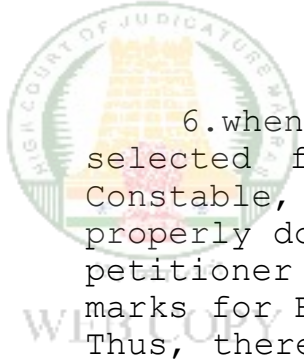
3.The grievance of the writ petitioner is that the Physical Verification Test and the Endurance Test were not conducted in accordance with the procedures contemplated and on account of the irregular selection process, the petitioner lost her opportunity to serve in the Police Force.

4.This Court is of the considered opinion that even, if some discrepancy in Physical Verification Test, there is a provision for appeal to be submitted before the Chairman of the Selection Committee and it is not made clear, whether the writ petitioner had exercised the option of preferring the appeal before the Chairman of the Selection Committee. This apart, the selection was of the year 2007 and the writ petitioner participated in the process of selection for the year 2007-2008, the writ petitioner was not selected during the year 2008 and the writ petition was filed on 27.04.2011, after a lapse about 3 years. Thus, the writ petition itself is belated. As far as the matters of selection are concerned, the aggrieved party is bound to approach the Court within a reasonable period of time and long delay would vitiate the very claim itself. The selected candidates of the year 2007-2008 were sent for training and the writ petitioner had chosen to file the writ petition, after a lapse of three years, during the year 2011. Under these circumstances, this Court is of the considered opinion that there was a delay in filing the writ petition.

5.This apart, the counter statement filed by the first respondent Recruitment Board states that the prescribed norms for Physical Efficiency Test for women candidate for the recruitment of Grade-II Women Police Constable for the year 2007 and the performance of the petitioner shows that the petitioner failed in the test itself. The marks secured are extracted hereunder:

WOMEN CANDIDATES

Sl.No	Test	1 Star =2 Marks	2 Star =5 Marks	Actual Performance of the Petitioner	Star	Mark
1.	Long Jump	3.25 Meters	3.75 Meters	2.00 Meters	0	0
2.	100 Meters Running	16.5 Seconds	15.5 Seconds	19.20 Seconds	0	0
3.	Cricket Ball Throw	17 Meters	21 Meters	10.00 Meters	0	0
Total					0	0



6. when it is clarified that the writ petitioner was not selected for appointment to the post of Grade-II Women Police Constable, the very contention of the petitioner that it was not properly done, deserves no merit consideration. This apart, the writ petitioner was not within the zone of consideration and the cut-off marks for BC women was 37 and the petitioner secured 34 marks alone. Thus, there is no infirmity in respect of the rejection of the writ petitioner for selection.

7. With these observations, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS-)

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+1 CC to M/s. SPL GP (SR-67648[F] dated 10/06/2019)

+1 CC to M/s. R. VIJAYAKUMAR, Advocate (SR-67671[F] dated 10/06/2019)

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