

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.32510 of 2019
and WMP No.32842 of 2019

A.Praveen Kumar

... Petitioner

.Vs.

1. Staff Selection Commission,
Block No,12 CGO Complex,
Lodhi Road,
New Delhi - 110 003.
2. Staff Selection Commissioner (Southern Region),
2nd Floor, E.V.K.Sampath Building,
DPI Campus,
College Road, Chennai 600006.
3. The Deputy Inspector General of Police,
Directorate General, CRPF (Recruitment Branch),
East Block - 07, Level - 4,
Sector - 01,
R.K.Puram, New Delhi - 110066.
4. The Member of Recruitment Board,
Group Centre, CRPF Avadi Centre, TT BN CRPF,
Chennai 600 065.
5. The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai 600 065.

6. Thiru K.Kunjmolet

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus to call for the entire records relating to the impugned order dated 25.10.2019 in proceedings No.R-II-20-2019-EC-V passed by the 5th respondent confirming the Rejection slip in Appendix - "C-I", dated 27.08.2019 issued by the 4th respondent and quash the same and direct the respondent to conduct re-measurement of height of the petitioner.

For Petitioner : Mr.L.Mouli
For Respondents : Mr.G.Karthikeyan,
Assistant Solicitor General
for R1 to R5.

O R D E R

By consent, this writ petition is taken up for final disposal.

2. This Writ Petition has been filed challenging the impugned proceedings of the 5th respondent dated 25.10.2019, rejecting the candidature of the petitioner, who participated in the physical test, on the ground that the petitioner did not satisfy the height requirement that was prescribed in the Notification.

3. The petitioner participated in the selection that was conducted by the respondents to the post of Constables in (Central Armed Police Forces) CRPF. As per the selection process, there is a written examination, Physical Efficiency Test, Physical Standard Test and Medical examination and only those candidates, who successfully come through at each stage, are finally selected to the posts.

4. The petitioner took the computer based selection and he passed in the said examination and he was short-listed for Physical Efficiency Test and Physical Standard Test. As per the notification, the minimum height that is required for a BC candidate is 170 cms and the Chest expansion was fixed as 80/05 cms. According to the petitioner, the petitioner fulfills the height requirement and also the chest expansion. However, the petitioner was eliminated on the ground that he did not have the requisite height. The petitioner aggrieved by the same, has filed the present writ petition before this Court.

5. Mr.L.Mouli, learned counsel appearing for the petitioner submitted that in the rejection slip issued by the 5th respondent, it is not even mentioned as to what is the height of the petitioner and how much shortage was there from the minimum that was fixed as per the notification. The learned counsel further submitted that the respondents have taken a stand in the counter affidavit that the petitioner has not fulfilled the chest expansion and according to the learned counsel for the petitioner, this was not even stated in the rejection slip and a new ground has now been taken in the counter affidavit. The learned counsel submitted that the

petitioner had earlier attended the selection to the post of Constable in Indo-Tibetan Border Police Force, where the same Physical requirements were prescribed and the petitioner fulfilled those prescription. Therefore, the learned counsel submitted that the 5th respondent must again remeasure the height of the petitioner and the petitioner must be permitted to participate in the selection.

6. All the respondents have filed a counter affidavit in this case. The respondents 3 to 6 have filed a separate counter affidavit, wherein, they have taken a stand that the petitioner did not qualify, since he was found short of 170 cms, which was prescribed in the Notification. A further plea that has been taken is that there was an Appellate Authority even as per the rejection slip and the petitioner even without exhausting the Appellate remedy has straight away come before this Court. A further plea that has been taken in the counter affidavit is that a complaint was given by the petitioner after nearly 51 days and by then, the recruitment / selection process was completed and the Board that was formed for the said recruitment was also dispersed.

7. The learned Assistant Solicitor General appearing for respondents 1 to 5, submitted that the petitioner did not fulfil both the height requirement as well as Chest Expansion. The learned counsel further submitted that the petitioner ought to have preferred an Appeal then and there to the Appellate Authority and the petitioner had given a complaint after nearly 51 days and by then, the entire process was over. The learned Assistant Solicitor General submitted that if the relief is granted to the petitioner, it will open flood gates and all non-selected candidates will come before this Court and it will cause a lot of confusion in the entire selection process. The learned counsel therefore submitted that the present writ petition filed by the petitioner is liable to be dismissed on the ground of delay.

8. This court has carefully considered the submissions made on either side and also perused the materials available on record.

9. The rejection slip issued by the 5th respondent makes it very clear that the petitioner can prefer an Appeal in writing to the Appellate Authority on the same day. There is nothing on record to show that the petitioner had preferred such an appeal. The petitioner had approached the respondents with a complaint after nearly 51 days and by then, the entire process of selection was over and the Board itself was dispersed. In a

case of this nature, there is a mechanism, whereby an Appellate Authority is provided and who entertains an Appeal of an aggrieved person, who has been rejected in the Physical Efficiency Test. This Appellate remedy has to be necessarily exhausted, since it is done on the same day and the grievance of the concerned candidate is addressed then and there. If the petitioner is permitted to redress his grievance after substantial delay, it will necessarily open flood gates and this Court will be flooded with similar writ petitions and ultimately, the entire selection process will come to a stand still. The respondents did not have any ill-will against the petitioner and there was no reason for the respondents to reject the candidature of the petitioner on the ground that he did not fulfil the physical requirements. These are selections attended by a large number of persons and therefore, an Appellate remedy is also provided on the same day after a candidate is rejected on the ground of failure in the Physical efficiency test. If Appellate remedy is not exhausted, it becomes very difficult to entertain a writ petition, since this Court cannot enter into factual aspects of the case and find out whether the petitioner had the physical requirements as provided in the notification. This Court is not inclined to entertain this writ petition at this stage.

10. Accordingly, this writ petition is dismissed. No cost. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.L.Mouli, Advocate sr.6640

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pvs(co)
nr 03/03/2020



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