



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.A(MD)No.456 of 2020

Againt

WP (MD)No. 25822 of 2019

M.Selvamuneeswaran

... Appellant / petitioner

Vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Egmore, Chennai - 600 008.

2.The Chairman,
Sub Committee,
Tamil Nadu Uniformed Services
Recruitment Board,
Virudhunagar.

... Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.25822 of 2019, dated 09.12.2019 on the file of this Court and allow this appeal.

Prayer in WP(MD). 25822 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court for issuance of writ of Certiorarified Mandamus Calling the records pertaining disqualification slip C.No.R2/850/2019 dated 18-11-2019 by the 2nd Respondent and to quash the same as arbitrary, illegal and against the advertisement No.1/2019 of the 1st Respondent on 06-03-2019 and against to Articles 14 and 16 of Constitution of India and direct the respondents to call the petitioner to further physical efficiency test of High Jump with 100 meters running or 400 meters running and any other order deem fit and proper for the circumstance of the case.

For Appellant : Mr.S.Ravichandran

For Respondent : Mr.V.R.Shanmuganathan,
Nos.1 & 2 Special Government Pleader



JUDGMENT

[JUDGMENT OF THE COURT WAS DELIVERED
BY **B. PUGALENDHI ., J.,**]

This writ appeal is filed as against the order passed by the writ court in W.P(MD)No.25822 of 2019 dated 09.12.2019, wherein, this Court dismissed the writ petition. The writ petition was filed as against the disqualification slip issued by the Chairman, Sub Committee, Tamil Nadu Uniformed Services Recruitment Board, Virudhunagar in C.No.R2/850/2019, dated 18.11.2019.

2.The appellant a candidate appeared for the selection process for the post of Grade II Police Constable - Grade II Jail Wardens and Firemen conducted by the Tamil Nadu Uniformed Services Recruitment Board in the year 2019. In the said selection process, he appeared for the general examination and was selected for the physical test and the physical test was also conducted.

3.In the physical test also, he cleared the physical measurement test and also the endurance test, but when he appeared for the physical efficiency test, the Sub Committee, second respondent disqualified him in the category of rope climbing that he claimed less than five meters only.

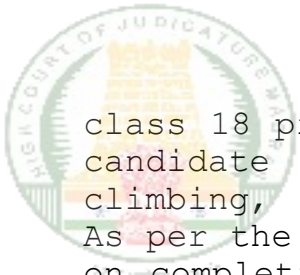
4.The grievances of the petitioner is that the physical efficiency test is of three categories, rope climbing, high jump or long jump, 100 metres or 400 metres running. But, without permitting him to continue the remaining physical efficiency test of high jump and 400 metres running, the second respondent Sub Committee, unilaterally, disqualified him that he has been disqualified of rope climbing.

5.The learned Single Judge by the impugned order in this writ appeal, dismissed the writ petition that the valuation of the physical endurance test is for all the three categories, such as, (i) rope climbing, (ii) high jump or long jump (iii) 100 metres or 400 metres running.

6.Aggrieved by the order passed in the writ petition, the present writ appeal is filed.

7.Heard Mr.S.Ravhichandran, learned Counsel for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice for the respondents.

8.The writ petition was filed under a misconception that a candidate can pass any one of the endurance tests as prescribed under the notification. In the notification, dated 06.03.2019, the Tamil Nadu Uniformed Service Recruitment Board has specifically mentioned the process of selection in class Nos. 15 to 19, wherein



class 18 prescribes the tests, which have to be completed by a male candidate on his endurance. The prescribed tests are (i) rope climbing, (ii) long jump or high jump (iii) 100 metres or 400 metres. As per the notification, rope climbing is a compulsory test and only on completing the rope climbing alone, he can be permitted for the subsequent selection process and at that time, he can opt for either high jump or long jump and 100 metres or 400 metres. The impugned order of disqualification slip issued by the second respondent shows that this appellant has claimed less than 6.5 metres in the physical endurance test of rope climbing. It is not the case that the appellant has completed the rope climbing test as required as per the notification.

9. We do not find any reason to interfere with the order of the writ Court. Accordingly, this writ appeal is dismissed as devoid of merits.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

dsk

To

1. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Egmore, Chennai - 600 008.

2. The Chairman,
Sub Committee,
Tamil Nadu Uniformed Services
Recruitment Board,
Virudhunagar.

Order made in
W.A (MD) No. 456 of 2020
12.06.2020

VB (24.07.2020) 3P 3C