



WEB COPY

W.A(MD)No.924 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.A(MD)No.924 of 2020

and

C.M.P(MD)No.5060 of 2020

Against

W.P(MD).No.25310 of 2019

S.Gokulpath

... Appellant /Petitioner

Vs.

1.The Chairman,

The Tamil Nadu Uniformed Service Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.

2.The Member Secretary,

The Tamil Nadu Uniformed Service Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.

3.The Sub Committee,

The Tamil Nadu Uniformed Service Recruitment Board,
Ramanathapuram, Ramanathapuram District.

... Respondents / Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents Act, to set aside the order dated 28.11.2019 made in W.P(MD)No.25310 of 2019 and allow the writ appeal.

Prayer in WP(MD). 25310/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to Call for the records pertaining to the impugned rejection order issued by the 3rd respondent in his proceedings C.No.R2/850/2019 dated 18.11.2019 and quash the same as illegal and unconstitutional and consequently directing the respondents to conduct re-Physical Efficiency Test to enable the petitioner to participate in the further events and to appoint the petitioner to the post of Police Constable-Gr.II/Jail Warden/Fireman Gr.II. within the time stipulated by this Court.

For Appellant

: Mr.C.Gangai Amaran

For Respondents

: Mr.K.Chellapandian,

Additional Advocate General,

Assisted by Mrs.J.Padmavathi Devi,

Special Government Pleader



JUDGMENT

[Judgment of the Court was delivered by **B.PUGALENDHI., J.**]

This writ appeal is directed as against the order, dated 28.11.2019 of the learned Single Judge passed in W.P(MD)No.25310 of 2019.

2.The writ petition in W.P(MD)No.25310 of 2019 was filed by the appellant / writ petitioner, as against the order of disqualification passed by the third respondent / the Sub Committee, the Tamil Nadu Uniformed Services Recruitment Board, Ramanathapuram, Ramanathapuram District on 18.11.2019. The impugned disqualification order in the writ petition was issued by the third respondent on 18.11.2019, disqualifying the appellant / petitioner that he has not cleared the physical efficiency test for the post of Grade - II Police Constable, Grade-II, Jail Warder and Fireman, 2019.

3.The appellant has applied for the Post of Grade - II Police Constable, Grade-II Jail Warder and Fireman, 2019 and the selection process consists of written test, certificate verification and physical endurance tests. The appellant has completed the written examination and therefore, he was called for physical endurance tests conducted on 06.11.2019. He was successful in 500 Metre running test and rope climbing test. However, he got disqualified from the selection process that he has not cleared the long jump test. But, according to the appellant, he has successfully completed the long jump test and they have mistakenly disqualified him. Therefore, challenging the order of disqualification, the appellant/writ petitioner has approached this Court by filing the writ petition in W.P(MD)No.25310 of 2019.

4.Considering the materials placed on record, the learned Single Judge, by order dated 28.11.2019, dismissed the writ petition with the following observations:

"6.Considering the submission of the learned Special Government Pleader appearing for the respondent that already the petitioner was given two chances in the long jump event, this Court is not inclined to grant one more chance to him. If this writ petition is allowed, certainly the other candidates, who are similarly placed like that of the petitioner herein, not only in the long jump, but also in other physical efficiency tests, may approach this Court and it will amount to opening a pandora's - box. As the petitioner has been given two chances in the physical efficiency test, viz., long jump and he did foul in the said tests, the impugned disqualification order is perfectly in order."

5.Aggrieved over the dismissal order, dated 28.11.2019 passed in the writ petition, the present writ appeal has been filed.



6.Heard Mr.C.Gangai Amaran, learned Counsel appearing for the appellant and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

7.It is seen that though the appellant has got qualified in the written test as well as in physical endurance tests, he has not completed the required distance in the long jump test, despite one more opportunity provided.

8.However, the learned Counsel for the appellant firmly submitted that the appellant has successfully completed the long jump test also. But, it has been erroneously noted by the authorities concerned and the appellant was disqualified by the third respondent.

9.When the appeal was taken up for hearing, the learned Additional Advocate General submitted that the entire selection process has been videographed and they are ready to display the videograph before this Court to ascertain, whether this appellant has duly got qualified in the long jump test as prescribed in the prospectus.

10.Therefore, we directed the learned Additional Advocate General to play the video on the performance of the appellant to the learned Counsel appearing for the appellant, so as to make his further submission. Accordingly, the video was played to the learned Counsel for the appellant and after viewing the video, the learned Counsel appearing for the appellant fairly submitted that the appellant has not fulfilled the criteria prescribed in the prospectus for the long jump test.

11.According to the respondents, the appellant was also provided with one more chance to undergo the long jump test and even in the second attempt also the appellant could not succeed. There are certain prescribed qualifications, when the same could not be achieved by the appellant, there is no reason to interfere with the order of disqualification issued by the third respondent and the order passed in the writ petition.

12.In the result, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1.The Chairman,
The Tamil Nadu Uniformed Service Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.

2.The Member Secretary,
The Tamil Nadu Uniformed Service Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.

3.The Sub Committee,
The Tamil Nadu Uniformed Service Recruitment Board,
Ramanathapuram, Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-22420[F] dated 20/11/2020)

W.A (MD) No.924 of 2020
19.11.2020

PK (CO)
KB (11.12.2020) 4P 5C