



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.13883 of 2020

and

W.M.P(MD) No.11531 of 2020

D.Divya

... Petitioner

Vs.

1.The Chairman,

The Tamilnadu Uniform Service Recruitment Board,
Old COP office Campus, Pantheon Road, Egmore,
Chennai-600008.

2.The Member,

The Tamilnadu Uniform Service Recruitment Board,
Old COP office Campus, Pantheon Road, Egmore,
Chennai-600008.

3.The Member Secretary,

The Tamilnadu Uniform Service Recruitment Board,
Old COP office Campus, Pantheon Road, Egmore,
Chennai-600008.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to conduct physical training for the petitioner after completing her maternity period for the post of Sub Inspector of Police (Taluk, AR and TSP) (Men, Women & Transgender) 2019 and to appoint the petitioner as Sub Inspector with all service benefits.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.K.M.Muthu
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner filed the present writ petition directing the respondents to conduct physical training for the petitioner after completing her maternity period for the post of Sub Inspector of



Police (Taluk, AR and TSP) (Men, Women & Transgender) 2019 and to appoint her as Sub Inspector with all service benefits.

3.The learned counsel for the petitioner would submit that today is the date for conducting the physical test. Since the petitioner is pregnant, she cannot participate in the physical test. Therefore, she has approached the selection committee along with necessary application for postponement of the physical test for her, in terms of G.O(Ms) No.682, Home (Police-III) Department, dated 28.11.2019.

4.Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents fairly submitted that the petitioner has received the call letter from the Member Secretary of the Tamilnadu Uniform Service Recruitment Board, wherein in paragraph No.8, it has been clearly stated as follows:-

"If the pregnant candidate does not able to attend these tests she should obtain a certificate from the Government medical officer on her inability and it should be submitted at the centre"

5.The learned Additional Advocate General also refer G.O(Ms) No.682, Home (Police-III) Department, dated 28.11.2019, wherein at paragraph No.4, it has been held as follows:-

4.The Government have carefully examined the proposal of the Additional Director General of Police / Member, Tamil Nadu Uniformed Services Recruitment Board in light of the orders of the Hon'ble High Court of Madras in W.P.No.30538/2018 dated 07.01.2019 and issues the following guidelines with regard to the recruitment of women police personnel to the posts of Sub Inspector of Police, Grade-II Police Constables, Grade-II Jail Warder and Firemen:-

(a) While applying for the recruitment, the women candidate should declare about her pregnancy in her application form.

(b) During the Physical Test, the women candidates should declare about the pregnancy before the Sub-committee and the pregnant candidates will be allowed for the physical test only if they are declared fit by the Government Doctor.

(c) The pregnant candidates declared unfit by the Government Doctor will be allowed to participate in Physical Test and further procees of selection proposed to be conducted once in every six months, say, February 1st week and August 1st week for such candidates at Chennai Centre.



(d) The women candidates who are at difficult circumstances to participate in the Physical Test on account of women related natural causes will be allowed to participate in the Physical Test on another date by the Sub-Committee after submitting the fitness certificate by the candidate from the Government Doctor.

(e) A pregnant applicant for the post shall not lose her seniority only because she is unable to participate in the physical test in view of her pregnancy (I.e.,) if a pregnant woman is selected on the basis of the physical test in the next process of selection, her seniority should be determined with reference to the earlier recruitment.

6.By referring the Clause 8 of call letter and paragraph No.4 of the G.O(Ms)No.682 dated 28.11.2019, the learned Additional Advocate General submits that if the petitioner submits an appropriate medical certificate from the Government Doctor, the same will be considered and the physical test will be conducted separately at the option of the petitioner either in the first week of February or in the first week of August.

7.Recording the said submission, in the event of the petitioner submitting the certificate before the Recruitment Board, this Court directs the respondents to consider the same and at the option of the petitioner, the separate physical test should be conducted either in the first week of February or in the first week of August in terms of G.O (Ms) No.682 Home (Police-III) Department, dated 28.11.2019.

8.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

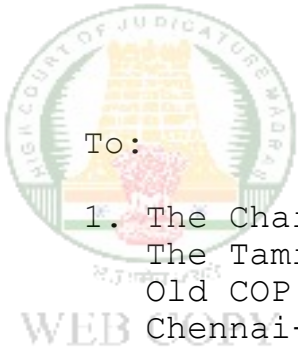
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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

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+1 CC to Mr.R. ALAGUMANI, Advocate SR-19267.

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