



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P (MD)No.23740 of 2019

Manikandan

... Petitioner

Vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

2.The Chairman,
Sub Committee,
Ramanathapuram Centre,
Ramanathapuram.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

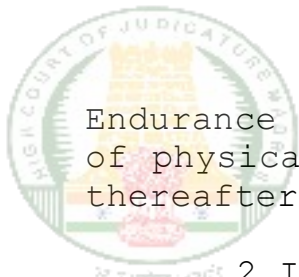
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to permit the petitioner to participate second stage of physical examination on an alternate date or on the date fixed by this Court consequently to allow him for the next level selection process in pursuant of Tamil Nadu Uniformed Services Recruitment Board combined recruitment for Grade II Police Constables (Man, Women & Third Gender)/ Grade II Warders (Man & Women)/Firemen (Man) 2019 if he is otherwise found eligible in second stage physical examination by considering the petitioner's representation dated 07.11.2019.

For Petitioner : Mr.S.Abdul Rahuman
For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.R.Sethuraman
Special Government Pleader

ORDER

The petitioner herein has attended the written examination and after securing 56 marks, he became eligible for Physical



Endurance Test. He had also qualified himself in the first stage of physical test of height, weight and chest measurement. He had thereafter, qualified in the 1500 mtrs running test also.

2.It is the case of the petitioner that he had suffered bone fracture on his left leg, owing to which, he was unable to attend the second stage of physical examination held on 09.11.2019. In this connection, the petitioner had made a request to the respondents for having the physical examination conducted to some other date.

3.The learned Additional Advocate General submitted that pursuant to the petitioner's request, he was called upon to appear for the second stage of physical examination on 18.11.2019, on which date, he had again failed to appear. He further would submit that since the physical examination has now been completed for all the candidates, it would not be possible for conducting another physical examination for the petitioner alone.

4.This candidate is unlike other candidates, wherein he had qualified during the Physical Measurement Test, Endurance Test and Physical Efficiency Test. Owing to the fracture of his left leg, he claims that he was temporarily disabled, which prevented him from appearing for the physical examination conducted on 09.11.2019 and 18.11.2019. The petitioner herein having crossed substantial stages of the selection process should not be disqualified from participating in the further selection owing to his present medical condition. Though the condition for selection does not prescribed for another physical examination on medical grounds, this Court is inclined to take sympathetic view as an extraordinary case, for the purpose of securing the ends of justice.

5.In the light of the above observations, the petitioner is granted liberty to approach the first respondent herein along with all the medical records pertaining to his leg fracture, with a request for conducting the second stage of physical examination and on receipt of the same, it would be open to the first respondent herein to scrutinise the medical records and take a call thereafter. If the medical records reveals that the petitioner did suffer a fracture during the relevant point of time between 09.11.2019 and 18.11.2019, they shall endeavour to subject the petitioner herein to physical examination for the purpose of further selection process. If the first respondent is of the view that the petitioner can be subjected to a physical measurement once again, the same shall be done atleast within a period of one week from the date of receipt of a copy of this order.



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6.With the above observations, the Writ Petition is ordered. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

2.The Chairman,
Sub Committee,
Ramanathapuram Centre,
Ramanathapuram.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1 cc to Mr.S.Abdul Rahman , Advocate SR.No.328

W.P (MD) No.23740 of 2019

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