



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.A. (MD)No.1455 of 2017

and

C.M.P. (MD)No.11178 of 2017

Against

WP(MD)No. 14785 of 2017

P.Vijayakumar

... Appellant/Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 8.

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

... Respondents /Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.14785 of 2017 dated 09.08.2017.

Prayer in WP(MD)No. 14785 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified mandamus calling for the records of the 2nd respondents impugned order in Rc.No.R2/150/2017 dated 03.08.2017 and quash the same as illegal and consequently direct the respondents to conduct the re-measurement to the petitioner in the long jump event in the ongoing combined recruitment for the post of Grade-II police Constables (men, women and third gender), Grade-II Jail Warders (men & women and firemen for the year 2017 and proceed further in accordance with law and to pass such further honble court.

For Appellant

: Mr.V.Thirumal

For Respondents

: Mr.K.Chellapandian

Additional Advocate General
assisted by

Mr.Aayiram K.Selvakumar

Additional Government Pleader

**J U D G M E N T**

(Judgment of the Court was delivered by **M.SATHYANARAYANAN, J.**)

The appellant was one of the applicants in respect of the combined recruitment for the post of Grade-II Police Constables (Men, Women and Transgenders), Grade-II Jail Warders (Men and Women) and Firemen for the year 2017 and in terms of the notification for the recruitment it would be done for 15664 plus 47 posts Grade-II Police Constable and others.

2. The petitioner would state that he is having a rural background and belonging to the downtrodden community and his father is an agricultural coolie and the petitioner has also studied up to 10th standard. The petitioner with the fond hope to get himself selected for the recruitment to the post of Grade-II Police Constable has also underwent training in a private coaching centre at Paraipatti village, Tirunelveli District.

3. The petitioner would further state that he was successful in the written examination held on 21.05.2017 and thereafter, he was called for Physical Test at St.Xaviers College ground, Palayamkottai, Tirunelveli, between 27.07.2017 and 03.08.2017. The petitioner had cleared the Physical Test and the final event of long jump which was conducted on 03.08.2017. The petitioner underwent the said test on the early morning at 6 a.m. on 03.08.2017. It is the claim of the petitioner that in the first attempt, he cleared more than the requirement, but the officials of the second respondent did not accept it and directed him to undergo second attempt in a hurried manner without giving him any breathing time. The petitioner also underwent the second attempt and after some time, he was declared not qualified for the reason that he has cleared only 3.40 metres as against the requirement of 3.80 metres. The petitioner is aggrieved by the disqualification came forward to file the writ petition.

4. The learned Single Judge after taking note of the submissions made by the respective learned counsel appearing for the parties and going through the materials found that in the light of the factual aspects involved, coupled with the fact that a fair opportunity was also granted to the writ petitioner and the writ petition lacks merits dismissed the Writ Petition vide impugned order dated 09.08.2017 and aggrieved by the same, the writ petitioner has filed this Writ Appeal.

5. The learned counsel appearing for the appellant/writ petitioner would submit that admittedly the videograph of the events are available and if this Court summons the videograph, it would reveal that the petitioner had cleared the required measurement in the long jump at the first instance and he has been wrongly



disqualified and further in respect of the persons similarly placed, this Court on earlier occasion done the said exercise also.

6. Per contra, Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr. Aayiram K.Selvakumar, learned Additional Government Pleader has invited the attention of this Court to the affidavit of the first respondent dated 13.01.2018 and would submit that the tests have been conducted strictly in accordance with the norms and there is no rhyme or reason to disqualify the appellant/petitioner deliberately and in the first attempt he has fouled it and therefore, a second chance has been given, wherein, the petitioner have cleared only 3.40 metres as against the requirement of 3.80 metres and in this regard, a disqualification slip was also issued to him and he has also accepted the same and signed it. It is the further submission of the learned Additional Advocate General that at this distant point of time, it is not open to the appellant to seek appropriate direction for summoning the videograph and since the tests have been conducted strictly in accordance with the norms and in the absence of any allegation as to the malafide or arbitrariness on the part of the respondents, this Court may not normally interfere with the selection process and prays for dismissal of this Writ Appeal.

7. This Court has carefully considered the rival submissions and also perused the materials placed before this Court.

8. A perusal of the typed set of documents would disclose that a detailed instruction had been given as to the scheme of recruitment and as far as the norms for various events of Physical Endurance Test for men candidate is concerned, the concerned candidate has an option either to go for high jump or long jump and in respect of long jump, he is expected to clear 3.80 metres and in respect of high jump, a candidate is expected to clear 1.20 metres. According to the official respondents, two chances were given and in the first attempt, the petitioner fouled it and therefore, a second chance was given, wherein he has cleared only 3.40 metres, which is well below the required norms and therefore he was rightly disqualified.

9. As rightly pointed out by the learned Additional Advocate General, the petitioner did not allege any malafide or arbitrariness on the part of the official respondents and he has also admitted that he cleared the written test and also the Physical Endurance Test except the long jump for which he has been given with the disqualification slip and he has accepted it and signed it. It is well settled position of law that the selection process is also within the domain of the authorities who conducted the selection test/trial and except the malafide action or arbitrariness appears on the face of the record, this Court won't normally interfere in the selection process and cannot act as a super selection authority.



10. A perusal of the materials would also disclose that the respondents had done a fair selection process as regards the petitioner and the learned Single Judge after due and proper application of mind, has rightly reached the conclusion and dismissed the writ petition as devoid of merits. This Court on an independent application of mind as well as a perusal of the relevant materials is of the view that there is no error apparent on the face of the impugned order passed by the learned Single Judge in dismissing the writ petition and finds no merits in this Writ Appeal.

11. In the result, the Writ Appeal is dismissed confirming the order dated 09.08.2017 made in W.P.(MD).No.14785 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/sj

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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