



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.25406 of 2019

and

W.M.P (MD) .No.21967 of 2019

K.Gurumoorthi

... Petitioner

/vs./

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

2.The Chairman,
Sub-Committee Ramanathapuram Centre &
Deputy Inspector of Police,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order passed by the second respondent in the name of disqualification slip vide his proceedings in C.No.R2/850/2019 dated 06.11.2019 and quash the same and for consequential direction to the respondents to conduct physical re-measurement test for getting the petitioner chest measured and further direct them to allow the petitioner to take part in the further process of selection to the post of Gr.II Police Constables, Gr.II Jail Warders and Fireman, 2019 in accordance with law within time stipulated by this Court.

For Petitioner : Mr.M.Kaliraj

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

ORDER

This writ petition has been filed to quash the order made in C.No.R2/850/2019 dated 06.11.2019 passed by the second respondent and consequently, to direct the respondents to conduct physical re-



measurement test for getting the petitioner chest measured and further direct them to allow the petitioner to take part in the further process of selection to the post of Gr.II Police Constables, Gr.II Jail Warders and Fireman, 2019 .

2.Heard the learned counsel appearing for the petitioner and learned Additional Advocate General assisted by learned Special Government Pleader appearing for the respondents.

3.In view of the decision of the Hon'ble Division Bench of this Court in ***W.A(MD).No.1465 of 2017 dated 28.03.2018*** in the case of ***M.Govindammal Vs., The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Old Commissioner Police Office Campus, Pantheon Road, Egmore, Chennai-08***, this Court, exercising its power under Section 226 of the Constitution of India, may not be entitled to sit in appeal over the measurement on height or width of the chest taken in the time of measurement test conducted by the Uniform Service Recruitment Board (USRB). The reliance on the medical certificate produced by the learned counsel for the petitioner with regard to the chest measurement is also covered by a decision of the another ***Hon'ble Division Bench*** of this Court, in the case of ***N.Gajendran Vs., The State of Tamil Nadu, rep., by its Secretary, Home Department, Secretariat, Chennai*** in ***W.A.No.1295 of 2015, dated 01.02.2016, dated 01.02.2016***, wherein the ascertainment of the measurement of candidate is for the concerned authority to decide and any external aid in this regard, such medical certificate cannot be looked into, as such, this Court is not inclined to interfere with the impugned disqualification slip.

4.If at all the petitioner is of the view that the chest measurement was not properly conducted or that his chest measurement in normal as well as expanded state is over and above the prescribed measurement, it is always open to him to seek for the video recordings through Right To Information Act and in case, such video recordings obtained reveals that the petitioner has qualified himself, it is open to him to redress his grievance in the manner known to law.

5.With the above observation, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

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.

2.The Chairman,
Sub-Committee Ramanathapuram Centre &
Deputy Inspector of Police,
Ramanathapuram District.

+1 CC to M/s.M.KALIRAJ, Advocate (SR-224[F] dated 03/01/2020)

+1 CC to M/s.SPL GP (SR-423[F] dated 07/01/2020)

Order made in
W.P.(MD) No.25406 of 2019
Dated: 03.01.2020

JMN(22.01.2020) 3P : 5C