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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17091 of 2021

and

W.M.P.No.18127 of 2021

(Through Video Conferencing)

C.Tamilarasan

... Petitioner

Vs

1.Tamil Nadu Uniform Service Recruitment Board,
Rep by its Chairman, (DGP)
Old commissioner of police office campus,
Pantheon Road Egmore, Chennai - 600008.

2.The Chairperson,
Sub Committee,
Kanchipuram Centre,
Superintendent of Police,
Kanchipuram District - 631 501.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 2nd respondent impugned order on 27.07.2021 and quash the same and consequently, direct the 1st and 2nd respondents to subject the petitioner for the re-measurement of the height and allow the petitioner to participate in the other qualification tests for the common recruitment for the posts of Gr.II Police Constable, Gr.II Jail Warden and Fireman 2020 in publication dated 17.09.2020.

For Petitioner : Mr.V.Pandian

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

This writ petition has been filed to call for the records relating to the impugned order dated 27.07.2021 passed by the second respondent and quash the same and consequently, direct the first and second respondents, to subject the petitioner for



the re-measurement of the height and allow the petitioner to participate in the other qualification tests for the common recruitment for the posts of Gr.II Police Constable, Gr.II Jail Warden and Fireman 2020 in publication dated 17.09.2020.

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2. Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents and submits that there is a proposal for physical examination of the candidates could not earlier appear on account of Covid-19.

3. Considering the fact that the petitioner was earlier disqualified on the ground that the petitioner's height was 169.5 cms and in the current recruitment the height of the petitioner has been given as 169.3 cms and considering the fact that the petitioner has filed a certificate from a Medical Officer attached to the Government Hospital, Sholinghur, confirming the height of the petitioner as 170 cms and weight as 61 kgs.

4. This writ petition is disposed by directing the respondents to permit the petitioner to appear for physical examination of his height as and when the respondents propose to carry out such exercise for those could not appear earlier due to Covid-19. Therefore, the respondents shall call upon the petitioner to appear for the physical examination. The respondents shall also ensure that while measuring the height of the petitioner, the decision of the Hon'ble Full Bench of this Court in W.A. Nos.8 to 12, 14 to 16, 23 and 24 of 2020 vide order dated 29.01.2021 is complied. The relevant portion of the aforesaid judgment reads as under:-

"42. Having reasoned out the issues raised before us, we accordingly answer the questions as follows:-

i. A Writ Petition under Article 226 of the Constitution of India for correcting any error may ordinarily be not maintainable involving factual disputes, but, on the establishment of a patent factual error leading to prejudice and resulting in violation of legal or fundamental rights or otherwise involving malafides, a writ petition can be entertained under Article 226 of the Constitution of India, in order to avoid or otherwise rectify a denial of opportunity in matters of employment;

ii. The exercise of height measurement may be resorted to through scientifically approved electronic or such other devices, such as Digital Measurement Device (Sensor Machine) and the same deserves to be undertaken at all stages



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of height measurement to establish a standardised procedure of measurement, in order to avoid any variation either in appeal or to avoid any future litigation;

iii. The Rules prescribing rounding off as amended and contained in Rule 14 of the Special Rules for Tamil Nadu Police Subordinate Service being not under challenge, the same can be implemented, but, in order to ensure any dispute of calculation, mis-calculation or any suspected marginal error, it would be appropriate that instead of rounding off principle, a relaxation to the extent of 0.5 centimeter in the respective categories be introduced as a matter of rule that may possibly avoid any future litigation or dispute relating to discrepancy of measurement.

The questions having been answered, let all the appeals be placed before the respective Benches dealing with the matter for appropriate orders."

5. The writ petition is stands disposed of with the above observations.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman, (DGP)
Tamil Nadu Uniform Service Recruitment Board,
Old commissioner of police office campus,
Pantheon Road Egmore, Chennai - 600008.

2.The Chairperson,
Sub Committee,
Kanchipuram Centre,
Superintendent of Police,
Kanchipuram District - 631 501.

+1cc to Mr.V.Janarthanan, Advocate SR.No. 45361

+1 cc to Government Pleader Sr.No. 45571

W.P.No.17091 of 2021

PVS(CO)

B.VC(07.10.2021)