



IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 03.08.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition Nos.16867,17428, 17430, 19385
and 19388 of 2020
and

WMP.Nos.21613, 21528, 20922, 21617, 21615, 23978, 23981
and 23982 of 2020

(Through Video Conferencing)

M.Arthi	...Petitioner in W.P.No.16867 of 2020
V.Priyadharshini	...Petitioner in W.P.No.17428 of 2020
M.Meenakshi	...Petitioner in W.P.No.17430 of 2020
V.Nivetha	...Petitioner in W.P.No.19385 of 2020
T.Revathi	...Petitioner in W.P.No.19388 of 2020

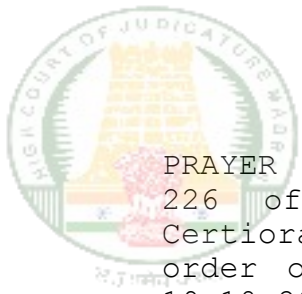
Vs.

1.The Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Pantheon Road,
Chennai - 8.

2.The Chairman Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Pantheon Road,
Chennai - 8.

...Respondents
(in all writ petitions)

PRAYER IN W.P.NO.16867 OF 2020: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent, in connection with the impugned order passed by him in C.No.R2/860/2019 dated 19.10.2020 to quash the same and direct the respondents to hold re-test for the petitioner in so far as the 100 meters running event in concerned and proceed with the same further in the recruitment of SI (TK, AR & TSP) for the year 2019 and grant such other relief.



PRAYER IN W.P.NO.17428 OF 2020: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent made in C.No.R2/860/2019 dated 19.10.2020 (Disqualification Slip) issued to the Petitioner (Enrollment No.5610593) and quash the same and further directing the first respondent to consider the claim of the petitioner for appointment for the post of Sub Inspector of Police (Taluk AR and TSP)for the year 2019.

PRAYER IN W.P.NO.17430 OF 2020: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent made in C.No.R2/860/2019 dated 19.10.2020 (Disqualification Slip) issued to the Petitioner (Enrollment No.5610605) and quash the same and further directing the first respondent to consider the claim of the petitioner for appointment for the post of Sub Inspector of Police (Taluk AR and TSP)for the year 2019.

PRAYER IN W.P.NO.19385 OF 2020: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent made in C.No.R2/860/2019 dated 19.10.2020 (Disqualification Slip) issued to the Petitioner (Enrollment No.5610295) and quash the same and further directing the first respondent to consider the claim of the petitioner for appointment for the post of Sub Inspector of Police (Taluk AR and TSP)for the year 2019.

PRAYER IN W.P.NO.19388 OF 2020: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent made in C.No.R2/860/2019 dated 19.10.2020 (Disqualification Slip) issued to the Petitioner (Enrollment No.5610651) and quash the same and further directing the first respondent to consider the claim of the petitioner for appointment for the post of Sub Inspector of Police (Taluk AR and TSP)for the year 2019.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel for
Mr.M.Muthappan
(in W.P.No.16867 of 2020)

M/s.R.Rayeesa Fathima

(in W.P.Nos.17428, 17430, 19385 and 19388 of 2020)



For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate
(in all writ petitions)

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C O M M O N O R D E R

With the consent of the learned counsel for Petitioners and the Respondents, W.P.Nos.19385 and 19388 of 2020 are also taken up for final disposal along with the above writ petitions which are listed today.

2. In all these writ petitions, the petitioners have challenged the determination of the time taken for completing 100 meters during the physical endurance test for being appointed as Sub Inspector of Police. It is the uniform case of the petitioners in all these cases that the digital timer was used however it was used by a police constable and not by the designated officer for using the digital timer to record the time. In one of the case, it is the case of the petitioner that the stop watch was pressed 5 seconds earlier before the whistle was blown for starting the race. The case of the petitioners in all these writ petitions is based on the relief granted by this Court in W.P.No.14861 of 2017, by order dated 18.08.2017. It appears that the video footage of the 100 meters race was viewed by this Court and this Court came to a conclusion that the petitioner therein one S.Sangeetha had completed the 100 meters running event in 17 seconds and was therefore entitled to participate in other tests for being appointed as a Sub Inspector of Police. Defending the impugned order of the respondents rejecting the candidature and appointment of the Petitioners, the learned counsel for the Petitioners refers the order passed in W.P.No.26086 of 2015. It is submitted that by an order dated 09.09.2015, the Court had held that it is not possible to give any relief to the Petitioner even though the Court expressed its sympathy to the petitioner therein.

3. Heard the learned counsel for the Petitioners and the Respondent and perused the materials available on record.

4. The submissions of the petitioners that there was some irregularity in the manner in which the time was calculated appears to be reasonable based on the averments in the affidavit. The video footage of the race is available with the Respondents. Considering the grievance of the petitioners that this is the last opportunity for them be appointed as Sub Inspector as they would get age barred, this Court is of the view that an appropriate relief can be given to the petitioners by directing the Inspector General of Police (Uniformed Services Recruitment Board) to constitute a special committee along with



one technically qualified officer from the Tamil Nadu Sports Development Authority to review the video footage in the presence of respective petitioners and give a final report to the respondents. Based on the above said final report, the final decision will be taken by the Respondents as to whether the petitioners qualified in the qualifying physical endurance test or not. The said exercise shall be carried out by the respondents within a period of 15 days from the date of receipt of a copy of this order. The Respondents are directed to inform the petitioner as to the date of the viewing of the video footage for giving the report. It is made clear that in case the petitioners qualify in the physical endurance test, the respondents shall direct the petitioners to report for the next stage of recruitment.

5. In the above direction, the writ petitions are disposed of. No costs. Consequently, connected WMPs are closed.

s/d-
Assistant Registrar (CS IX)

True Copy

Sub-Assistant Registrar

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To

1. The Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Pantheon Road,
Chennai - 8.

2. The Chairman Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Pantheon Road,
Chennai - 8.

+1 CC to Mr. M. Muthappan, Advocate sr 37796
+1 CC to The Government Pleader sr 38011.

W.P. Nos. 16867, 17428, 17430, 19385 and
19388 of 2020

GPL (CO)
SP (25/08/2021)