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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.21755 of 2021

(Through Video Conferencing)

C.Sridevi

...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,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai - 600 008.

3.The Deputy Superintendent of Police,
Madurai District, Madurai.

...Respondents

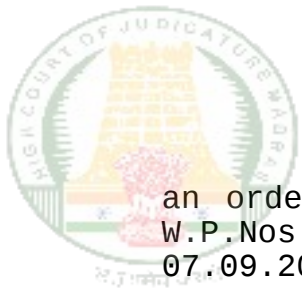
Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus calling for the records relating to the impugned disqualification slip, passed by the second respondent against the petitioner vide proceedings dated 02.08.2021 and to quash the same and further directing the respondents to permit the petitioner to participate in the physical endurance test and other recruitment process in the common recruitment to the post of Grade II Police Constable, Grade II Jail Warder, Fireman 2020.

For Petitioner : Mr.G.Radhakrishnan

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

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.



2. This writ petition has been filed on the strength of an order passed by this Court in a batch of writ petitions in W.P.Nos.18777 of 2021 etc which came to be disposed on 07.09.2021.

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3. The operative portion of the said order reads as under:-

"3. It is noticed that many of the petitioners have filed certificate from the Government Hospital and/or registered Medical Practitioner to prove that they have requisite height. This Court cannot examine the correctness of the certificate based on which, the relief is sought for. However, this Court is inclined to observe that the recruitment proceeding can be altered in the future such that a certificate of physical measurement is obtained by candidates from any institution recognized by the Government and approved by the Recruitment Board and are uploaded along with the application for the post. This would obviate disappointment to those who end up clearing written test under the present method of selection. Only candidates who satisfy physical re-measurement alone would upload their certificate and participate in the competitive exam for selection. Such height can be re-measured once again after qualifying in the written exam. The measurement should be carried with the Digitized Electronic Device recognized the order of the Full Bench dated 29.01.2020 in W.A.Nos.8 to 12 of 2020 and batches etc. in A.Parthiban and 9 Others vs. 1.Tamil Nadu Uniformed Services Recruitment Board, Rep. by its Chairman (DGP) Old Commissioner of Police Campus, Pantheon Road, Egmore, Chennai 600 008 and another.

4. The Government may therefore explore the possibility of notifying such institution in each Districts where such certificate can be obtained by prospective candidates where such standardized measuring instruments/equipments are used for measuring the height. The order of the Full Bench dated 29.01.2020 in W.A.Nos.8 to 12 of 2020, it has been held 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



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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 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, miscalculation 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.

5. Considering the same, these writ petitions are allowed by directing the respondents to permit the petitioners to appear in the proposed physical test to be conducted on 22nd September, 2021 along with candidates who could not attend earlier due to Covid-19

6. Accordingly, these writ petitions are disposed and direct the first respondent - Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai-600 008, to permit the physical examination of all the petitioners, on the next date of physical examination which is tentatively fixed to 22.09.2021 in Trichy. In the event, the petitioners qualify in the physical examination they shall be treated as eligible for further consideration. No costs. Consequently, connected miscellaneous petitions are closed."

4. Appearing on behalf of the respondents, the learned Government Advocate submits that retest and remeasurement pursuant to the aforesaid order of this Court on 07.09.2021 has already been completed and therefore the writ petition filed by



the petitioner is liable to be dismissed. He further submits that the petitioner may participate in the next round of recruitment.

5. Already an order has been passed by this Court on a similar lines and reliefs were granted to several persons like the petitioner who had approached this Court before 22.09.2021. The recruitment procedure cannot be kept in a fluid state. However, the case of the petitioner is that the petitioner has been wrongly ousted from the recruitment procedure/proceedings. This aspect of the petitioner would require reconsideration/proper scrutinization.

6. Considering the fact that the petitioner has stated that she is 160 cms in height, the respondents are directed to consider the case of the petitioner along with similarly placed persons and send the petitioner for re-testing in a Government recognized institutions where there are standardized equipments/instruments to measure the height.

7. The respondents are therefore directed to identify the Government institutions in each Districts for carrying out retesting of heights of those candidates within a period of three months from the date of receipt of a copy of this order.

8. In case, it is found that the petitioner and such of those successful candidates who qualified in the written examination but were wrongly denied an opportunity to participate in the next stage of the selection, the respondents are directed to permit such of those persons to participate in the next recruitment by dispensing with the requirement of filing of application on the written examination.

9. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

arb/kkd

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,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai - 600 008.

3.The Deputy Superintendent of Police,
Madurai District, Madurai.

+1cc to Mr.G.Radhakrishnan, Advocate SR.No.53090

+1cc to the Government Pleader SR.No.53545

W.P.No.21755 of 2021

SSV(CO)
RVM(02/11/2021)