



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3661 of 2021

J.Adams

... Petitioner

Vs.

1.The Chairman,
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,
Superintendent of Police Office,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to give opportunity to the petitioner to participate in the Physical Fitness Test, in the Common Recruitment for the post of Gr-II Police Constable Gr-II Jail Warden and Fireman 2019 by considering the petitioner's representation, dated 14.02.2020, within the stipulated period by this Honourable Court.

For Petitioner : Mr.V.Antony Arockiaraj

For Respondents : Mr.K.Chellapandian
Additional Advocate General

O R D E R

Heard Mr.V.Antony Arockiaraj, learned counsel for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General for the respondents.

2.The petitioner herein was disqualified in the physical fitness test in the common recruitment held for the post of Grade II, Police Constable, Grade II Jail Warden and Fireman, for the year 2019. The petitioner herein had earlier filed a writ petition in W.P.(MD).No.5012 of 2020, seeking for issuance of a writ of mandamus to give an opportunity to participate in the physical fitness test once again. The said writ petition came to be dismissed on 18.03.2020 on the ground that the petitioner was



disqualified by the respondents and therefore, interference was not necessary.

3.The present writ petition is for an identical prayer stating that the information provided by the respondents under the Right to Information Act reveals that no disqualification order was issued.

4.The writ petition is liable to rejected on two grounds. Firstly, the present writ petition seeking for a similar prayer, as that of the earlier writ petition in W.P(MD).No.5012 of 2020, is not maintainable, since it is barred by the principles of *res-judicata*. Secondly, the information sought for by the petitioner under the Right to Information Act is as to whether any disqualification order has been issued, to which, the respondents have replied in the negative. Such a reply will not give any cause of action to the petitioner to again reopen the issue and will also not be construed to the effect that the petitioner was qualified. When the respondents have conducted a physical endurance test and the petitioner herein had failed to qualify therein himself, this Court exercising its powers under Article 226 of the Constitution of India for interfering with the decision taken in such practical test, may not be justifiable.

4.Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

1.The Chairman,
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,
Superintendent of Police Office,
Ramanathapuram District,
Ramanathapuram.

+1 CC to SPL GP (SR-7469[F] dated 26/02/2021)

+1 CC to Mr.M.MOHAMED SHERBUDEEN, Advocate (SR-7630[F] dated 26/02/2021)

Order made in
W.P. (MD) No.3661 of 2021
25.02.2021

KM (16.03.2021) 3P 5C