



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.5445 of 2020

J.Lakshmanan

...Petitioner

Vs.

1.The Chairman,
Sub Committee,
Tamil Nadu Uniform Service Recruitment Board,
Old Commissioner of Police Campus,
Panthean Road,
Egmore,
Chennai - 600 008.

2.The Appellate Authority,
Tamil Nadu Uniform Service Recruitment Board,
Old Commissioner of Police Campus,
Panthean Road,
Egmore,
Chennai - 600 008.

...Respondents 1 & 2

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 13.02.2020 for conducting retest for measuring the chest or expansion of chest accepting the expansion of chest as shown in the video clip and consequently direct the respondents to permit the petitioner to participate in the subsequent other physical test as required for selection to the post of Police constable in respect of Application No.260691.

For Petitioner

:No appearance

For Respondent

:Mr.Veerakathiravan,

Additional Advocate General

Assisted by

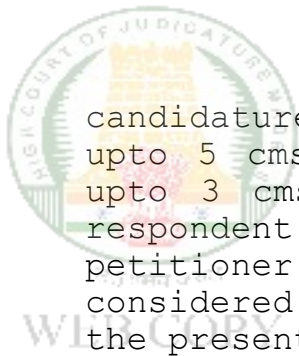
Mr.V.Nirmal Kumar

Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking a direction to the respondents to re-measure his chest expansion and to permit him to participate in the subsequent physical tests.

2.The case of the petitioner is that he applied for the post of police constable, called for by the Tamil Nadu Uniform Services Recruitment Board. After selection in the written test, he was called for physical test and he also attended. But his



candidature was rejected stating that the chest expansion should be upto 5 cms, whereas, in the petitioner's case, it expanded only upto 3 cms. Disqualification slip was also issued by the second respondent in C.No.R2/850/2019, dated 06.11.2019. Hence, the petitioner sent a representation, dated 13.02.2020, which was not considered by the Board. Therefore, the petitioner has come up with the present writ petition.

3. When this matter is taken up for hearing, there is no representation for the petitioner.

4. The learned Additional Advocate General appearing for the respondent Board submits that the petitioner has been rejected on the ground that he is not having sufficient chest expansion at the time of physical examination and his candidature was rejected by the disqualification slip issued by the second respondent in C.No.R2/850/2019, dated 06.11.2019. He further submits that the petitioner has already filed a Writ Petition in W.P.(MD) No.25861 of 2019 and the same has been dismissed by this Court, by order dated 18.12.2019 with liberty to cross check the measurement through the video recordings, recorded at the time of selection process. For ready reference, the relevant portion from the said order is extracted as under:-

"5. In view of such submission, I do not find any reason to interfere and order for retest. However, if the petitioner is of the view that the original measurement was not properly taken, it is always open to the petitioner to cross-check the same by making an appropriate application under the Right to Information Act (RTI), seeking for video recording of the measurement taken and on verification of such recording, if the petitioner is of the view that he has qualified the measurement, it is open to the petitioner to redress his grievance in the manner known to law."

5. Pursuant to the order of this Court, this petitioner was also permitted to peruse the video recordings, which were recorded at the time of selection, in order to ascertain whether he has sufficient chest expansion, at the time of selection. Through the video recordings, it is found that this petitioner's chest measurement was 90.5 cms and during the expansion, it expanded upto 93.00 cms. As per Board's requirement, the expansion must be 5 cms. Since he was not having the required expansion, his candidature was rejected.

6. The learned Additional Advocate General by referring the affidavit filed by this petitioner submits that the petitioner himself has admitted that there was shortage of 0.5 cms expansion and that is as negligible, he can be considered. The petitioner



having sufficient chest expansion of 5 cms. The admitted portion from the affidavit filed by the petitioner is as follows:-

"therefore this shortage of 0.5 expansion is negligible and there is a chance to succeed in my attempt"

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7. In view of the submission made by the learned Additional Advocate General and also taking into consideration of the petitioner's admission, with regard to his chest expansion, after verification of video recording, which was recorded at the time of selection, this Court is of the opinion that no Mandamus can be issued as claimed by the petitioner. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Sub Committee,
Tamil Nadu Uniform Service Recruitment Board,
Old Commissioner of Police Campus,
Pantheon Road,
Egmore, Chennai - 600 008.
2. The Appellate Authority,
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+1 CC to M/s.SPL GP (SR-36080[F] dated 26/11/2021)

Order made in
W.P(MD) No.5445 of 2020
25.11.2021

NSN(CO)

GC(13.12.2021) 3P 4C

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