



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14247 of 2021

and

W.M.P. (MD) Nos.11182 & 11185 of 2021

B.Prasanth

... Petitioner

-vs-

1.The Chairman

Tamilnadu Uniformed Services Recruitment Board
No.807, 2nd Floor, Anna Salai
Chennai-600 002

2.The Member Secretary

Tamil Nadu Uniformed Services Recruitment Board
Egmore, Chennai-8

3.The Chairman / Member

Recruitment Sub Committee
Madurai Centre
Tamil Nadu Uniformed Services Recruitment Board
Madurai

4.The 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 to call for the entire records in relating to the impugned disqualification slip dated 28.07.2021 issued by the third respondent and to quash the same as unsustainable and consequently to direct the respondents to remeasure the chest of the petitioner and also to permit the petitioner to participate in the next level of the selection process in Common Recruitment for the posts of Grade-II Police Constables / Grade-II Jail Warders / Firemen-2020, so as to enable the petitioner to get appointment in the above recruitment.

For Petitioner : Mr.Jeyakarthik

For Respondents : Mr.Veera.Kathiravan

Additional Advocate General
assisted by Mr.A.K.Manikkam
Government Counsel



O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the disqualification slip, dated 28.07.2021, issued by the third respondent and to direct the respondents to remeasure the petitioner's chest and permit him to participate in the next level of selection process.

2. According to the petitioner, he has completed 12th Standard. The respondent Tamil Nadu Uniformed Services Recruitment Board (TNUSRB) issued Notification No.1/2020, dated 17.09.2020, inviting applications through online mode from 26.09.2020 for the common recruitment to the posts of Grade-II Constable, Grade-II Jail Warder and Fireman. The petitioner applied for the post of Grade-II Constable and he was assigned with Enrollment No.2828974. The petitioner participated in the written examination and successfully passed in the written examination. On 28.07.2021, the petitioner was undergone physical measurement test, in which his chest was measured as 81 cms. in normal and 86 cms. in expansion, however, he was directed to undergo the physical measurement test once again, wherein, his chest was measured as 81 cms. in normal and 85 cms. in expansion and the third respondent issued the disqualification slip dated 28.07.2021 on the ground that the petitioner did not satisfy the required expansion of 05 cms. Challenging the same, the petitioner has filed the present writ petition.

3. Further, according to the petitioner, the impugned order passed by the third respondent is illegal and arbitrary. The official, who measured the chest second time, had not properly measured and hence, the impugned disqualification slip came to be issued. Therefore, the petitioner prays for remeasurement of his chest.

4. The second respondent has filed a counter affidavit stating that the candidates, who were qualified in the written test, were allowed to participate in the Physical Measurement Test / Endurance / Physical Efficiency Test / Certificate Verification. It is further stated in the counter affidavit that TNUSRB conducted Physical Measurement Test / Endurance Test / Physical Efficiency Test at 20 Centres from 26.07.2021 onwards and a Sub Committee comprising of the following officials was constituted in each Centre in order to ensure that the recruitment process is conducted in a fair and unbiased manner:



Chairperson	SP/DC/Commandant	
Members (5)	ADSP	1
	DSP	2
	Jail Superintendent / Additional Superintendent / Jailor	1
	District Fire Officer / Deputy Director (Fire Department)	1

5. Further, it is stated in the counter affidavit that during physical measurement test, chest measurement of the candidates would be measured by using inch tape. If a candidate does not possess the prescribed chest measurement and got disqualified, he can prefer appeal before the Appeal Committee consisting of super check officer in the rank of Inspector General of Police / Deputy Inspector General of Police, Chairperson of the Sub-Committee in the rank of Deputy Commissioner of Police / Superintendent of Police, Sub-Committee Member in the rank of Additional Superintendent of Police / Deputy Superintendent of Police / Assistant Commissioner of Police and Medical Officer as per Government Letter (D) No.866, Home (Police III) Department, dated 24.07.2018.

6. According to the respondents, the petitioner appeared for chest measurement test on 28.07.2021 and he got qualified at the first instance, wherein his chest measurement was 81 cms. in normal and 86 cms. in expansion. But, in the random checking by the Super Check Officer, his chest measurement was 81 cms. in normal and 85 cms. in expansion. Since the petitioner's chest was expanded only 04 cms. as against the required expansion of 05 cms., he was not qualified.

7. On perusal of the materials available on record, it is seen that there is a conflict in the petitioner's chest measurement. At the first instance, the petitioner's chest was measured as 81 cms. in normal and 86 cms. in expansion, whereas at the second instance by the Super Check Officer, the petitioner's chest was measured as 81 cms. in normal and 85 cms. in expansion and therefore, he was disqualified. Since there is a conflict in the chest measurement taken by the respondent Board, in the interest of justice, this Court is of the view that one more opportunity shall be given to the petitioner to undergo the chest measurement test.

8. At this stage, the learned Additional Advocate General made an objection that already the selection process is over and results are yet to be published and if remeasurement is



ordered, it would create come complications in the recruitment process. The objection made by the learned Additional Advocate General is taken note of by this Court.

9. Accordingly, this Court passes the following orders:

- (i) The petitioner shall appear before the respondent Board at Chennai on 28.10.2021 at 10.30 a.m.;
- (ii) The learned counsel for the petitioner undertakes that the petitioner will be ready for remeasurement test on 28.10.2021;
- (iii) The respondent Board shall nominate an Officer not below the rank of Superintendent of Police;
- (iv) The Officer so nominated by the respondent Board, in his presence, to measure the petitioner's chest in normal as well as in expansion position properly;
- (v) The petitioner shall cooperate with the respondent Board for remeasurment test;
- (vi) After taking measurement of the petitioner's chest as directed above, the respondent Board shall file a report before this Court on or before 01.11.2021.
- (vii) Post the matter on 01.11.2021 for filing report by the respondent Board.

10. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

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To:

1.The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
No.807, 2nd Floor, Anna Salai,
Chennai-600 002.



2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai-8.

3.The Chairman / Member,
Recruitment Sub Committee,
Madurai Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Madurai.

4.The Superintendent of Police,
Madurai District, Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-32184[F] dated
21/10/2021)

+1 CC to M/s.SPL.GP (SR-32258[F] dated 22/10/2021)

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