



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14421 of 2021

and W.M.P. (MD)No.11359 of 2021

WEB COPY

Ananthakumar

... 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 Chiarmen / Member,
Recruitment Sub-Committee,
Tamil Nadu Uniformed Services
Recruitment Board,
Ramanathapuram Centre,
Ramanathapuram.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 09.08.2021 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents to conduct a fresh efficiency test for the petitioner (Enrolment Number 3302404) for the post of Grade-II Constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2020.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General assisted by
Mr.A.K.Manikkam,
Standing Counsel for State.

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 09.08.2021 and for a consequential direction to the respondents to conduct a fresh efficiency test for the petitioner (Enrolment Number 3302404) for the post of Grade-II Constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2020.

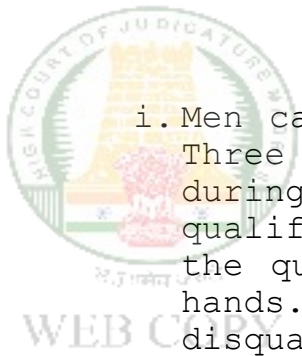


2. The writ petitioner applied for the post of Grade-II Constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2020. The petitioner participated in the written examination and he successfully passed in the written examination. Thereafter, the petitioner participated in the physical measurement test. The petitioner succeeded in the height measurement test and chest expansion test. Thereafter, the petitioner participated in the rope climbing test and he crossed nearly 5 meters in the first chance. In the second chance, his hands were slipped and he lost his grip and he sustained injuries on his right hand. In view of the injuries sustained by him, he was failed in the second and third chances. The second respondent has issued the disqualification slip through the impugned order dated 09.08.2021. Challenging the said order, the petitioner has filed the present Writ Petition.

3. Counter affidavit has been filed by the first respondent. In the counter affidavit, it is stated that the Tamil Nadu Uniformed Services Recruitment Board (TNUSRB) issued Notification No.1/2020, dated 17.09.2020, inviting applications for common recruitment to the post of Grade-II Constable, Grade II Jail Warders and Firemen, 2020. The last date of submission of application was 26.10.2020. The written examination was held on 13.12.2020. Candidates, who 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 the candidates, who have succeeded in the written examination, were called for Physical Measurement Test [PMT] / Endurance Test [ET]. The candidates who qualified in the Physical Measurement Test [PMT] / Endurance Test [ET] were further allowed to attend the Physical Efficiency Test [PET]. The criteria for Physical Efficiency Test, as mentioned in Para 17[A] of the Information Brochure are as follows:

A) PHYSICAL EFFICIENCY TEST: Total marks for PET is 15.

Sl. No	Events		One Star (2 Marks)	Two Stars (5 Marks)
1	Rope climbing		5.0 metres	6.0 metres
2	Long Jump (or)	Long Jump	3.80 metres	4.50 metres
	High Jump	High Jump	1.20 metres	1.40 metres
3	100 mts run (or)	100 mts run	15.00 seconds	13.50 seconds
	400 mts run	400 mts run	80.00 seconds	70.00 seconds

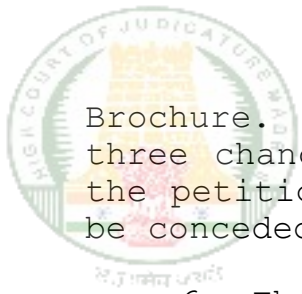


- i. Men candidates will compulsorily have to attend rope climbing. Three chances will be given to the candidates in Rope Climbing during the PET. The best out of three chances will be taken for qualification. The candidates should place their chin above the qualification marking. They should climb only with their hands. Climbing with support of legs or body will lead to disqualification. Those candidates who obtain a minimum of 1-star standard will alone be allowed for subsequent event of Long Jump or High Jump.
- ii. Three chances will be given only for the event of long jump / high jump. The highest score of these three chances will be considered for qualification.
- iii. Only one chance will be given to the candidates for the event 100 merers/400 metres run.

4. It is further stated in the counter affidavit that the candidates should get a minimum of one star in each event, failing which they will be disqualified at the same stage. A candidate should get a minimum of 3 Stars [6 Marks] to get qualified and can achieve a maximum of 6 /stars [15 Marks]. Only the candidates who qualified in the Physical Efficiency Test are allowed for further process. The candidates are given three chances for the event of rope climbing. The candidates have to climb a minimum height of 5.00 mtrs to get 1 star and 6.00 mtrs to get 2 stars. The best out of 3 chances will be noted in the coding sheet. As per the instructions, the following are the officials comprising the Sub-Committee in each district.

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

5. It is further stated in the counter affidavit that the petitioner had participated in the rope climbing event on 09.08.2021 in batch No.02 at the Ramanathapuram Sub Committee as the 6th candidate. The petitioner has given three chances and he had climbed less than 5 metres in all the three attempts. The entire process was video-graphed. Failing to reach the required minimum height of 5 metres, he was disqualified and was issued with disqualification slip, which was duly acknowledged by the petitioner on 09.08.2021. On a perusal of the video recordings of the petitioner, it was found that the petitioner had locked his legs while climbing the rope in all the three attempts, which is against the stipulated norms specified in para 17(A)(i) of the Information



Brochure. The petitioner was given three chances and in all the three chances, he had failed to succeed. Therefore, the demand of the petitioner to hold retest for the event of rope climbing cannot be conceded with.

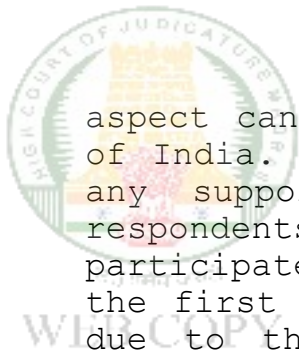
6. This Court anxiously considered the rival submissions and also perused the materials available on record.

7. On a perusal of the records, it is seen that the petitioner appeared for rope climbing test and he secured one star in the first chance. In the second chance, his hands were slipped and he lost his grip and he sustained injuries on his right hand. In view of the injury sustained by him, he was failed in the second and third chances. The respondent has taken a specific stand in the counter affidavit that the petitioner was given three chances and he failed in all the three chances and apart from that, the petitioner locked his legs while climbing the rope, which is against the stipulated norms specified in para 17(A) (i) of the Information Brochure.

8. A similar issue came up before the Division Bench of this Court in W.A.(MD)No.792 of 2010, and this Court by order dated 18.03.2010, dismissed the said Writ Appeal, wherein it is held as follows:

"The allegations mentioned in the affidavit are all being factual aspects, the writ Court sitting under article 226, cannot entertain the order. However, the Learned Single Judge, while considering the same issue has observed that the appellant having not been successful in proving his efficiency by coming up to the expectations of the selection committee, cannot come to the court with a complaint that the selection committee has failed to put proper or sufficient powder on the rope. When hundreds of candidates were able to participate in the rope climbing test successfully for the reasons that two of the candidates were not able to be successful in the rope climbing test, the writ Court cannot entertain this allegation nor hold any roving enquiry. The very fact that the petitioner having become unsuccessful in the physical efficiency test, cannot challenge the method of conducting the physical efficiency test, however, in our considered view, the Learned Single Judge has considered the same, therefore, we do not find any infirmities in the order. Accordingly, Writ Appeal fails and is dismissed, Consequently, connected Miscellaneous Petition is also dismissed."

9. The Division Bench of this Court has clearly held that the writ Court cannot conduct any roving enquiry and the said factual



aspect cannot be entertained under Article 226 of the Constitution of India. The learned counsel for the petitioner has not produced any supporting materials to disprove the claim made by the respondents. In the affidavit, the petitioner has stated that he participated in the rope climbing test and he secured one star in the first chance and thereafter, he could not able to participate, due to the injury sustained by him. However, in the counter affidavit, it is stated that the petitioner was given three chances, but he failed to succeed. Therefore, the contention of the learned counsel for the petitioner is unacceptable and moreover, there is no force on the contention made by the learned counsel for the petitioner to grant the relief as sought for by the petitioner.

10. In view of the above facts and circumstances of the case and the decision of the Division Bench of this Court in W.A.(MD) No.792 of 2010, this Court finds no reason to interfere with the impugned order passed by the second respondent. In fine, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Per.Admn)

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Sub Assistant Registrar(CS)

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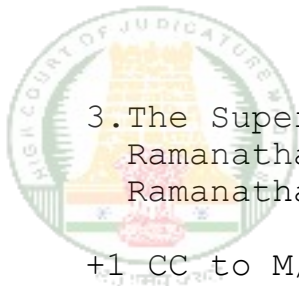
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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<https://hcservices.ecourts.gov.in/hcservices/>



3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.SPL.GP (SR-31211[F] dated 05/10/2021)

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