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W.P.(MD) No.14840 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14840 of 2021

and

W.M.P. (MD) Nos.11739 & 11740 of 2021

Bakkiya Deepa

... Petitioner

-vs-

1.The Chairman

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

2.The Chairman / Member

Recruitment Sub Committee
Tamil Nadu Uniformed Services
Recruitment Board
Ramanathapuram Centre
Ramanathapuram District

... Respondents

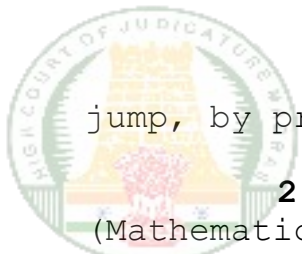
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 10.08.2021 (Disqualification Slip) issued to the petitioner (Enrollment No.8201149) by the second respondent and quash the same as illegal and consequently directing the respondents to permit the petitioner to participate in the next level selection process in pursuant of Grade-II Police Constable (Men, Women & Transgender), Grade II Jail Warden (Men & Women) and Firemen for the year 2020, if the petitioner found eligible in long jump by providing one more opportunity.

For Petitioner : Mr.Balamurugapandi.D.

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 10.08.2021, issued by the second respondent and to direct the respondents to permit the petitioner to participate in the next level selection process, if she is found to be eligible in the long



jump, by providing one more opportunity.

2. According to the petitioner, she has completed B.Sc. (Mathematics). 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 said recruitment and she was assigned with Enrollment No.8201149. The petitioner participated in the written examination and successfully passed in the written examination as well as in the physical measurement test. However, in the Physical Efficiency Test, the petitioner was issued with the disqualification slip. Challenging the same, the petitioner has filed the present writ petition.

3. Further, according to the petitioner, he has successfully completed the first attempt, however, the respondents again directed him to undergo the long jump test. Even though the petitioner underwent the test, the respondents has issued the impugned disqualification slip. Therefore, the petitioner prays that if one more opportunity is provided, she would certainly complete the task successfully.

4. The first 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 at each Centre in order to ensure that the recruitment process is conducted in a fair and unbiased manner:

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

5. With regard to the norms for the Physical Efficiency Test for open candidates, it is stated in the counter affidavit as

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



follows:

15.

"(I) *PHYSICAL EFFICIENCY TEST* : Total marks for PET is

The details of Physical Efficiency Test are as follows:

(II) Women and Transgender candidates:

Sl.No.	Events		One Star (2 Marks)	Two Stars (5 Marks)
1.	Long jump		3.0 metres	3.75 metres
2.	Shotput	4.25 metres	4.25 metres	5.50 metres
	(or) Cricket ball throw	17 metres	17 metres	24 metres
3.	100 mts run	100 mts run	17.50 seconds	15.50 seconds
	(or) 200 mts run	200 mts run	38.00 seconds	33.00 seconds

- i. Women / Transgender will be given 3 chances for long jump, Shot-Put throw / Cricket ball throw event. The highest score attained in the given three chances will be considered for qualification.
- ii. Only one chance will be given to the candidates in 100 metres / 200 metres run."

6. It is further stated in the counter affidavit that the petitioner appeared for the Physical Efficiency Test in Ramanathapuram Centre on 10.08.2021. The petitioner participated in the event of long jump in batch No.2 and made foul in the first chance, in the second chance, she jumped a distance of 2.69 meters and in the third chance, she jumped a distance of 2.95 meters. Since the petitioner did not meet the minimum required standard of 3.00 meters in long jump event, she was disqualified and hence, prayed for dismissal of the writ petition.

7. Heard the learned counsel on either side and carefully perused the materials available on record.

8. This Court, by order dated 28.11.2019 in W.P.(MD) No.25310 of 2019 has dismissed the relief sought for by the similarly placed candidate as that of the petitioner herein as follows:

"6.Considering the submission of the learned Special Government Pleader appearing for the respondents that already the petitioner was given two chances in the long jump event, this Court is not inclined to grant one more chance to him. If this Writ Petition is allowed, certainly the other candidates, who are similarly placed like that of the petitioner herein, not only in long jump, but



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also in other physical efficiency tests, may approach this Court and it will amount to opening a pandora-box. As the petitioner has been given two chances in the physical efficiency test viz., long jump and he did foul in the said test, the impugned disqualification order is perfectly in order.

7. In view of the above, the relief sought for by the petitioner cannot be granted. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed."

9. The Honourable Division of this Court, by Judgment dated 14.07.2020 in W.A.(MD) No.1455 of 2017, has held as follows:

"8. A perusal of the typed set of documents would disclose that a detailed instruction had been given as to the scheme of recruitment and as far as the norms for various events of Physical Endurance Test for men candidate is concerned, the concerned candidate has an option either to go for high jump or long jump and in respect of long jump, he is expected to clear 3.80 metres and in respect of high jump, a candidate is expected to clear 1.20 metres. According to the official respondents, two chances were given and in the first attempt, the petitioner fouled it and therefore, a second chance was given, wherein he has cleared only 3.40 metres, which is well below the required norms and therefore he was rightly disqualified.

9. As rightly pointed out by the learned Additional Advocate General, the petitioner did not allege any malafide or arbitrariness on the part of the official respondents and he has also admitted that he cleared the written test and also the Physical Endurance Test except the long jump for which he has been given with the disqualification slip and he has accepted it and signed it. It is well settled position of law that the selection process is also within the domain of the authorities who conducted the selection test/trial and except the malafide action or arbitrariness appears on the face of the record, this Court won't normally interfere in the selection process and cannot act as a super selection authority.

10. A perusal of the materials would also



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disclose that the respondents had done a fair selection process as regards the petitioner and the learned Single Judge after due and proper application of mind, has rightly reached the conclusion and dismissed the writ petition as devoid of merits. This Court on an independent application of mind as well as a perusal of the relevant materials is of the view that there is no error apparent on the face of the impugned order passed by the learned Single Judge in dismissing the writ petition and finds no merits in this Writ Appeal.

11. In the result, the Writ Appeal is dismissed confirming the order dated 09.08.2017 made in W.P.(MD).No.14785 of 2017. No Costs. Consequently, connected miscellaneous petition is closed."

10. Admittedly, the petitioner has not made any other allegation that the respondents have intentionally or inimically disqualified her from participating in the recruitment process. That apart, it is seen that the petitioner has also not approached the Appellate Authority for her grievance and without resorting to such an appellate remedy, she has approached this Court on 17.08.2021 after one week from participating in the long jump test by filing this writ petition. Therefore, in such view of the matter, the contentions of the petitioner are unsustainable and the impugned order passed by the second respondent does not warrant any interference of this Court.

11. In the result, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

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:

1.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Pantheon Road,
Egmore, Chennai-600 008.

2.The Chairman / Member,
Recruitment Sub Committee,
Tamil Nadu Uniformed Services
Recruitment Board,
Ramanathapuram Centre,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-31214[F] dated 05/10/2021)

W.P. (MD) No.14840 of 2021

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RD/JGB(29.10.2021) 6P 4C