



WEB COPY

W.A.(MD) No.1620 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K. MURALI SHANKAR

W.A. (MD) No.1620 of 2021

and

CMP (MD) .No.7005 of 2021

in

W.P (MD) No.5012 of 2020

J. Adams

... Appellant/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/Respondents

PRAYER:

Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set the order made in W.P(MD).No.5012 of 2020, dated 18.3.2020, on the file of this Court.

Prayer in WP(MD).5012/ 2020:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 Warder and Fireman 2019 by considering the petitioners representation dated 14.02.2020 within the stipulated period by this Honourable Court

For Appellants	: Mr.S.Louis
For respondents	: Mr.Veerakathiravan
	Additional Advocate General
	assisted by
	Mr.B.Saravanan
	Government Advocate



JUDGMENT

(Judgment of the Court was made by **M. DURAISWAMY, J**)

Challenging the order passed in W.P(MD)No. 5012 of 2020, the writ petitioner has filed the above appeal.

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2.The appellant filed the Writ Petition to issue the 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 Grade-II Police Constable, Grade-II Jail Warder and Fire Man 2019, by considering the petitioner's representation, dated 14.02.2020, within a time frame.

3.It is the case of the appellant that he participated in the Physical Fitness Test and was disqualified in the Physical Fitness Test held for the Post of Grade-II Police Constable, Grade-II Jail Warder and Fire Man 2019.The contention of the appellant is that the respondents have not issued any Disqualification Order and therefore, he should be given an opportunity to participate in the Physical Fitness Test for the selection of Grade-II Police Constable, Grade-II Jail Warder and Fire Man 2019.

4.When the respondents have conducted a Physical Endurance Test and the appellant had failed to qualify therein himself, in such case, the respondents cannot be directed to conduct Physical Test for him. While the appellant was participating in the Physical Test of Rope Climbing, he fell down from the rope and got fractured. When the appellant had failed to complete the Rope Climbing Test in full, automatically he got disqualified from the selection.

5.In such circumstances, the learned Single Judge, has rightly dismissed the Writ Petition. Subsequent to the Writ Petition, which is impugned in this Writ Appeal, the appellant has also filed another Writ Petition in W.P(MD)No. 3661 of 2021 for the very same relief sought for in W.P(MD)No. 5012 of 2020 and the learned Single Judge, by order dated 25.02.2021, dismissed the Writ Petition on the ground that the Writ Petition is barred by the Principle of res-judicata. We do not find any error in the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

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To

- 1.The Chairman,
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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 M/s.S.LOUIS, Advocate (SR-27803[F] dated 01/09/2021)

+1 CC to M/s.GP (SR-28084[F] dated 03/09/2021)

JUDGMENT MADE IN
W.A (MD) No.1620 of 2021
and
CMP (MD) No.7005 of 2021
01.09.2021

RS (15.09.2021) 3P 5C