



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.06.2021**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

WEB COPY

**W.P. (MD)No.19388 of 2020**

**and**

**W.M.P(MD)No.16177 of 2020**

P.Jeyasundar

... Petitioner

Vs.

1.The Director General of Police,  
The Tamil Nadu Uniform Services  
Recruitment Board,  
Old Commissioner of Police Office Campus,  
Pantheon Road, Egmore,  
Chennai-600 008.

2.The Member Secretary,  
The Tamil Nadu Uniform Services  
Recruitment Board,  
Old Commissioner of Police Office Campus,  
Pantheon Road, Egmore,  
Chennai-600 008.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to conduct the Physical examination and Physical test to the petitioner, as per Notification No.2/2019 dated 08.03.2019 in the recruitment of Sub-Inspector of Police (Taluk, Armed Reserve and Tamil Nadu Special Police) 2019, as per petitioner's representation, dated 23.11.2020.

For Petitioner : Mr.Angusamy  
for Mr.D.Ravichander  
For Respondents : Mr.Veera. Kathiravan,  
Senior Standing Counsel  
Assisted by  
Mr.K.S.Selvaganesan  
Government Advocate

**ORDER**

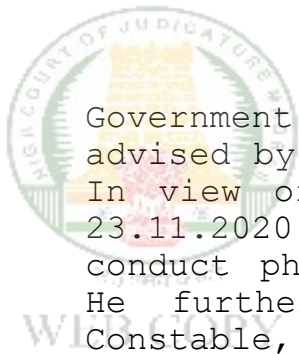
This writ petition is filed seeking a Writ of Mandamus, directing the first respondent to conduct the Physical examination and Physical test to the petitioner, as per Notification No.2/2019 dated 08.03.2019 in the recruitment of Sub-Inspector of Police (Taluk, Armed Reserve and Tamil Nadu Special Police) 2019, as per petitioner's representation, dated 23.11.2020.



2. The petitioner while working as Police Constable, Grade-II was posted for COVID-19 Protection duty. The petitioner performed his duty sincerely. The second respondent called for recruitment to the post of Sub-Inspector of Police, by the Notification No.2/2019, dated 08.03.2019. The petitioner participated in the selection process. He was successful in the written examination and he was called for certificate verification, physical fitness test and body measurement test. In the said letter, the petitioner was directed to produce among other certificates, COVID-19 negative certificate taken 48 hours before 01.10.2020 indicating that the petitioner is not infected by COVID-19. The petitioner produced all the certificates. The second respondent having considered and verifying all the certificates including petitioner's physical ability, had directed the petitioner to appear on 13.10.2020 for the purpose of having test on other physical abilities including running and other allied requirements. The petitioner participated in the said test conducted on the day i.e., on 13.10.2020 at Rajarathinam Stadium, Egmore, Chennai. According to the petitioner, on 13.10.2020 the petitioner felt fatigue and was tired. In spite of the same, he participated in the selection. He obtained two stars in rope climbing and long jump. In the running race, due to tiredness, he could get only one star. On the very next day, the petitioner developed fever and body pain. On 16.10.2020 the petitioner undergone COVID-19 test and he was tested positive for COVID-19. The petitioner was admitted in the Government Hospital from 17.10.2020 to 23.10.2020. According to the petitioner, he was affected by COVID-19, felt fatigue and tired on 13.10.2020 and only due to the incubation period of the Virus, he lost his strength and could not perform well in the running race. If he had not been affected by COVID-19, he could have performed well and could have been selected for the post of Sub-Inspector of Police. The petitioner has secured 63.5 marks. Due to COVID-19, his entire carrier is in stake. He gave representation on 23.11.2020 to the first respondent. Since no order has been passed so far, the petitioner has come out with the present writ petition for the relief sought for.

3. The learned Senior Standing Counsel appearing for the respondents submitted that the petitioner participated in the test conducted on 13.10.2020 and obtained two stars in long jump and rope climbing and one star in running race. The total marks obtained by the petitioner is below the cut off marks. For the persons, who were affected by COVID-19, the respondents conducted special test on 27.10.2020 and 28.10.2020. The petitioner has not given any representation immediately. He gave representation only after one month. In view of the same, he was not selected and prayed for dismissal of the writ petition.

4. In reply, Mr. Angusamy, learned counsel appearing for the petitioner submitted that the petitioner was admitted in the



Government Hospital from 17.10.2020 till 23.10.2020 and he was advised by the Doctor to be in Home Quarantine for another 10 days. In view of the same, the petitioner gave representation only on 23.11.2020 and prayed for a direction to the first respondent to conduct physical examination and physical test to the petitioner. He further submitted that one Ramanchandran Grade II Police Constable, who was selected as Sub-Inspector of Police, died subsequently after the selection and another person, who was selected in the said post, also died and now, two posts are vacant.

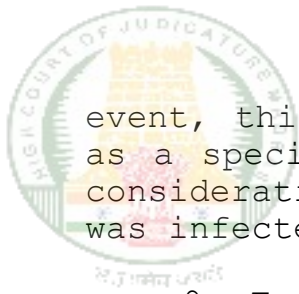
5. Heard the learned counsel appearing for the petitioner and the learned Senior Standing Counsel appearing for the respondents and perused the materials available on record.

6. From the above rival submissions and materials on record, the following facts are admitted:-

The petitioner is working as Grade II Police Constable and he was posted for COVID-19 protection duty. In pursuant to the Notification, dated 08.03.2019, calling for applications to the post of Sub-Inspector of Police, he applied and participated in the selection process conducted by the second respondent for appointment of Sub-Inspector of Police. The petitioner was successful in the written examination and physical fitness test. He was called upon to participate for physical ability test on 13.10.2020. The petitioner participated and obtained two stars in rope climbing and long jump. He obtained only one star in running race and hence, the petitioner was not selected. According to the petitioner, on 13.10.2020 on the date of physical endurance test, he felt tired and fatigue. The petitioner contended that he would have infected COVID-19 prior to 13.10.2020 and therefore, he felt tired and could not perform well in the running race. The petitioner developed temperature and body pain on 14.10.2020 and underwent COVID-19 test and on 16.10.2020, he was found COVID-19 positive. He was admitted in the Government Hospital on 17.10.2020 and has taken treatment from 17.10.2020 to 23.10.2020. He was advised by the Doctor to isolate himself in Home for another 10 days. For the above reason, the petitioner is seeking another opportunity to participate in the running race.

7. From the admitted facts, it is seen that the petitioner was posted for COVID-19 protection duty and he was a frontline warrior. The petitioner has produced certificates for having infected by COVID-19 and having taken treatment from 17.10.2020 to 23.10.2020 in Government Hospital and doctor's advised the petitioner to isolate him for another 10 days. The genuineness of the said certificate given by the Medical Officer, Chennai Guindy Government Corona Hospital, Guindy, Chennai-600 032 filed in the typed set of papers, cannot be disputed.

8. Considering the fact that the petitioner was posted for COVID-19 protection duty, frontline warrior, performed well in physical fitness test, rope climbing and long jump



event, this is a fit case to give an opportunity to the petitioner as a special case to participate in the running test, taking into consideration the petitioner posted for COVID-19 protection duty and was infected with COVID-19.

9. For the above reasons, the first respondent is directed to fix the date for conducting running race by considering his representation and inform to the petitioner well in advance so that he can participate in the said event.

10. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// 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

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Recruitment Board,  
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- 2.The Member Secretary,  
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