



WEB COPY



WP No.4125 OF 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 05.07.2022

CORAM:

THE HONOURABLE MR. **JUSTICE D.KRISHNAKUMAR**

W.P. No.4125 OF 2021

and

W.M.P.Nos. 4702, 4704 and 4705 of 2021

E.Praveen Kumar

... Petitioner

Vs

1.The Member Secretary
TamilNadu Uniformed services Recruitment Board
Old Commissioner of Police Office Campus
Pantheon Road
Egmore, Chennai-600 008

2.The Chairman /Sub Committee
TamilNadu Uniformed Services Recruitment Board
Egmore Chennai-600 008

3.The Director General of Police
O/o.Director General of Police
Mylapore, Chennai-600 004

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned Disqualification slip issued by the second Respondent in C.No.R2/860/2019 dated 6.10.2020 Enrollment No.0212210 and quash the same and consequently direct the Respondents to permit the petitioner to participate in the further selection process of the Respondents in the combined Recruitment of Sub-Inspector of Police (Taluk) Armed Reserve and TamilNadu Special Police as per the information brochure.



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For Petitioner
For Respondents

... M/s. R. Rajeesa Fathima
... Mr. Kumaresan
Additional Government Pleader
Assisted by Mrs. Sowim Dattam
Standing Counsel for R1 and R2
Mr. P. Ganesan
Government Advocate
for R3

ORDER

The petitioner has come forward with this writ petition seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned Disqualification slip issued by the second Respondent in C.No.R2/860/2019 dated 6.10.2020 Enrollment No.0212210 and quash the same and consequently direct the Respondents to permit the petitioner to participate in the further selection process of the Respondents in the combined Recruitment of Sub-Inspector of Police (Taluk) Armed Reserve and TamilNadu Special Police as per the information brochure.

2. According to the petitioner, he has participated in the selection process for recruitment to the post of Grade II Police Constable, Grade II Prison Jail Warden and Fire Fighter, and that he emerged as a successful candidate in all the tests. In the meantime, the respondents issued notification for selection to the post of Sub-Inspector also. According to the petitioner, he is a qualified candidate for the post of Sub-Inspector. But the respondent has sent communication to the petitioner, disqualifying him



minimum criteria as requirement of 170 cm height as per notification.

According to the petitioner, he possessed 170 cm, the required minimum height, and therefore, he has filed the present writ petition before this Court.

3. The learned Government Pleader appearing for the respondents stated that the notification for selection of Grade II Police Constable, Grade II Prison Jail Warden and Fire Fighter was issued on 06.03.2019 and advertisement for filling the post of Sub Inspector of Police was issued on 08.03.2019. Since the petitioner measured about 169.50 cm, he was not considered for selection and disqualification slip was issued by the second respondent on 06.10.2020.

4. The learned Additional Advocate General submitted that the petitioner has participated in the selection process in the year 2020, pursuant to the notification issued by the respondents. The disqualification slip was issued by the respondent on 06.10.2020. Thereafter, similarly placed persons approached this Court in W.P.No(MD) No. 14177 of 2020, and by order dated 20.01.2021, the same was allowed with a direction to re-measure the height of the petitioners. The similarly place persons height was re-measured on 10.03.2021. However, the petitioner without appearing for re-measurement, the petitioner has approached this Court on 04.02.2021, after a delay of more than four months. In the meantime,



the entire selection was over. According to the respondents, pursuant to the directions passed by the Court, entire selection process have been completed and the posting order has been issued. The petitioner has not approached this Court within a reasonable time. The delay in approaching this court has not been properly explained by the petitioner.

5. Having considered the submission made by the learned counsel for the petitioner and the materials placed on record, it could be seen that the writ petitioner has participated in the selection process for the post of Grade II Constable. The petitioner was successful candidate in the written exam as well as physical endurance test, except height measurement test. The respondents have rejected the candidature of the petitioner on the ground that he measured only 169.5 cm in height. The said disqualification was communicated to the petitioner vide order dated 06.10.2020. Thereafter, petitioner filed the present writ petition. The petitioner prayed for a direction to order re-measurement test to be conducted by the respondents. The petitioner has not approached this Court within a reasonable time, but filed writ petition, after four months from the date of rejection of his candidature.

6. Therefore, in the light of the earlier order passed by this Court, the relief made by the petitioner cannot be entertained, on the ground that he has not approached this Court, within a reasonable time. In a recruitment



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process, candidates have to approach the court within a reasonable time.

Therefore, such an inordinate delay in approaching this Court cannot be taken lightly. Thus, this Court is not inclined to entertain the writ petition and the same is dismissed on the ground of delay and latches. No costs. Consequently, Connected miscellaneous petitions are closed.

05.07.2022

Index: Yes/no
MRN



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To

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D.KRISHNAKUMAR, J.

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