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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.405 of 2022

1. The Member Secretary
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,
Egmore, Chennai 600 008.
3. The Deputy Superintendent of Police,
Madurai District,
Madurai.

... Appellants

Vs

C. Sridevi

... Respondent

Prayer:Writ Appeal is filed under clause 15 of the Letter Patent praying to set aside the order made in WP No.21755 of 2021 by the order dated 08.10.2021.

Prayer in WP No.21755 of 2021:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to calling for the records relating to the impugned disqualification slip, passed by the 2nd respondent against petitioner vide his proceedings dated 02/08/2021 and to quash the same and further directing the respondents to permit petitioner to participate in the physical endurance Test and other recruitment process in the physical endurance Test and other recruitment process in the common recruitment to the post of Grade II Police Constable, Grade II Jail Warder, Fireman 2020 and pass such further or other orders as this Hon'ble Court may deem fit and proper in these facts and circumstances of the case and thus render justice.



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For Appellants : Mr.P.Kumaresan
Addl.Advocate General
Asst.by Mrs.V.Yamuna Devi
Spl.Govt.Pleader

For Respondent : M/s.G.Radhakrishnan for Caveator

JUDGMENT

S.VAIDYANATHAN, J.
and
MOHAMMED SHAFFIQ, J.

The present appeal has been preferred against the order of the learned Single Judge made in WP No.21755 of 2021 dated 08.10.2021 by which learned Single Judge has directed the Government to retest the height of the candidates like that of the writ petitioner.

2. The case of the Writ Petitioner/respondent herein is that she belongs to BC Community applied for the post of Gr.II Police Constables/Gr.II Jail warder/Firemen of 2020. She had cleared the written examination and was called for Physical Measurement Test/Endurance Test on 02.08.2021. The petitioner's height was measured by the Madurai Sub-Committee on 02.08.2021 as 158 c.m and the same has been recorded in the Coding sheet. Since the required height measurement for BC women was 159 cm, she preferred an appeal before the Appeal Committee wherein her height was again measured as 158 cm resulting in her disqualification. Aggrieved by the same the Writ Petitioner had filed a Writ Petition and an order was passed by this Court therein on 08.10.2021 with a direction to consider the case of the petitioner along with similarly placed persons.

3. The learned counsel for the respondent /caveator contended that when the height of the respondent was measured in the General Hospital on 23.10.2021 her height was 159 c.m., whereas the measurement taken by the appellants shows the lesser value, therefore the measurement taken with such scale is highly doubtful and considering the totality of the circumstances the learned Single Judge has rightly granted the relief to the petitioners and the other similarly placed persons and the same does not require any interference by this Court.

4. Heard both sides.

5. Admittedly, the writ petitioner was not successful in the Physical Measurement Test as the height of the writ petitioner,



who belongs to BC community was 157.8 c.m rounded off to 158 c.m. The Writ Petitioner was also subjected for second time measurement before the Appeal Committee. As per the direction of this Court the procedure of height measurement was videographed and produced before this Court from which it is clear that the height of the writ petitioner was 157.8 c.m. Even though the respondent/writ petitioner has produced a certificate of Physical Fitness issued by a General Hospital dated 23.10.2021 showing her height as 159 c.m., the scale may differ, but, based on the scale, that was available for height measurement of the candidates including the other candidates, who have obtained the orders from the Court for re-measurement, had the benefit and non benefit from the said scale.

6. In the present case on hand, though the Writ Petitioner came out successful in other tests, she has not fulfilled the height requirement and therefore this Court cannot extend its helping hand to the Writ Petitioner so as to direct the Appellants to accommodate the Writ Petitioner. Hence, we are of the view that the order of the learned single Judge, directing the appellants to permit all the candidates including the writ petitioner for further physical examination does not sound merit.

7. In the result, the Writ Appeal is allowed and the order of the learned single Judge dated 08.10.2021 is set aside. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dpq

To,

1. The Member Secretary
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, Egmore, Chennai 600 008.
3. The Deputy Superintendent of Police,
Madurai District, Madurai.

+1 cc to Government Pleader Sr.NO. 14666

W.A.No.405 of 2022

PM(CO)

A.SK(31/03/2022)