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W.P.(MD)Nos.23485 & 23486 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.23485 & 23486 of 2022 and
W.M.P.(MD)Nos.17561, 17563, 17570 & 17571 of 2022

J.M.R.Rajan Chellappa

... Petitioner

in W.P.(MD)No.23485 of 2022

S.Abinesh

... Petitioner

in W.P.(MD)No.23486 of 2022

Vs.

1. The Director General of Police /
Chairperson,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai – 8.

2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai – 8.

3. The Government of Tamil Nadu,
Through its Secretary,
Home Department, Chennai.

... Respondents
in both petitions

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to



the impugned Order in C.No.R2/ 1010/ 2022-1 dated 27.09.2022 passed by the 1st respondent and to quash the same and further directing the respondents to conduct a second stage of selection process viz physical endurance test and physical efficiency test in pursuant to the notification dated 08.03.2022 to the post of Sub-Inspector (Taluk and AR) by permitting the petitioner to participate in the same on the alternative date or on the date to be fixed by this Court.

(in both W.Ps.)

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents: Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.S.P.Maharajan,
Special Government Pleader.

* * *

COMMON ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.



2. The petitioner in W.P.(MD)No.23486 of 2022 is Grade-II police constable. As an in-service candidate he took part in the selection for the post of Sub Inspector. Recruitment notification was issued by the TNUSRB on 08.03.2022. The petitioner in W.P.(MD)No.23485 of 2022 is not an in-service candidate. But he had taken part in the earlier selection and performed extremely well in the Physical Endurance Test. He is said to have secured double stars. Both the writ petitioners have reached the maximum age and they cannot take part in future selections. Though the petitioners had successfully cleared the written test and they were to take part in the physical examination on 23.08.2022, prior to the said date, both the writ petitioners met with accident and they could not participate in the physical test. The petitioners therefore requested the first respondent to give one more opportunity and hold physical test for them. The petitioners pointed out that sufficient number of candidates were not even present for the final selection to fill up all the vacancies. They would also point out that one more opportunity can be given and some concession can be given. Hence, this writ petition has been filed.



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3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petitions.

4. I am not however persuaded by the same. As rightly pointed out by the learned Additional Advocate General appearing for the respondents, the issue is no longer *res integra*. The Hon'ble First Bench vide Order dated **26.10.2021** in ***W.A.(MD)No.1706 of 2021 (The Director General of Police, Tamil Nadu Uniformed Services Recruitment Board, Chennai V. P.Jeyasundar)*** had held that if at the request of the candidates, one more opportunity has to be given at their convenience, recruitment process will go completely awry. The said order was followed by another learned Judge of this Court in ***W.P.(MD)No.12313 of 2021*** vide Order dated **21.04.2022 (R.Karthick Ramesh V. The Director General of Police, Tamil Nadu Uniform Services Recruitment Board, Chennai)**.



5. This Court will be justified in interfering, only if the existence of legal right is established. My attention has not been drawn to any provision either in the relevant recruitment rule or in the notification which will provide for grant of second opportunity to the candidates who could not participate in the physical test. Since the existence of legal right has not been shown, I have no other option but to dismiss the writ petitions.

6. This writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.



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PMU

To:

1. The Director General of Police / Chairperson,
Tamil Nadu Uniformed Services Recruitment Board,
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Egmore, Chennai – 8.
2. The Member Secretary,
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