



WEB COPY



WA.No. 2000 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No. 2000 of 2022
and
Civil Miscellaneous Petition No.14928 of 2022

E. Praveen Kumar

.. Appellant

Versus

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police office Campus,
Pantheon Road, Egmore,
Chennai – 600008.

2. The Chairman / Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai – 600 008.

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

.. Respondents

Appeal filed under Clause 15 of Letters Patent Act praying to set aside the order passed in W.P. No. 4125 of 2021 dated 05.07.2022 and allow the above appeal.

For Appellant	:	Mr. R. Nalliyappan.
For Respondents	:	Mr. P. Kumaresan, Senior Counsel for Mr. J. Lenin.



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J U D G M E N T

[Judgment of the Court was delivered by R.MAHADEVAN,J.]

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This Writ Appeal has been filed by the appellant, aggrieved by the order dated 05.07.2022 passed by the learned Judge in W.P. No. 4125 of 2021, dismissing the writ petition filed by him.

2. The writ petitioner is the appellant herein. According to him, he participated in the selection process for recruitment to the post of grade II Police Constable, Grade II prison Jail Warden and Fire Fighter conducted by the Tamil Nadu Uniformed Services Recruitment Board. It is stated that he emerged as a successful candidate in all the tests conducted by the Board, including the physical measurement test as he possesses the requisite height of 170 centimeters. Therefore, he was provisionally selected to the post of Grade II Police Constable by an order dated 29.04.2010 and he also joined duty on 03.05.2020. In the meanwhile, another notification dated 06.03.2019 was issued for filling up the post of 939 Sub-Inspector of Police in which also the petitioner participated. Even though the petitioner possesses the required physical measurements as stated in the notification, a disqualification slip was issued by stating that his height is only 169.5 cm and not 170 cm as required. Aggrieved by the same, the petitioner has filed the writ petition before the



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learned Judge to quash the disqualification slip dated 06.10.2020 in C.No.R2/860/2019 and consequently direct the respondents to permit him to participate in the further selection process of the respondents in the Combined Recruitment of Sub-Inspector of Police (Taluk) Armed Reserve and Tamil Nadu Special Police as per the information brochure.

3. The learned Judge, upon considering the evidence on record, dismissed the writ petition by observing that even as early as on 06.10.2020, the respondents have communicated to the appellant that he is disqualified for being selected. However, the petitioner has not approached this Court within a reasonable time but filed the writ petition after four months. Therefore, this writ appeal is filed before this Court.

4. The learned counsel for the appellant would contend that immediately after receipt of the disqualification slip dated 06.10.2020, the appellant has filed an appeal before the third respondent on 15.12.2020, which was not considered by the learned Judge while dismissing the writ petition on the ground that the writ petition was filed belatedly. Even otherwise, the writ petition was filed within two months and not four months as observed by the learned Judge.



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5. On the other hand, the learned Senior Counsel appearing for the respondents submitted that similarly placed persons, who received identical disqualification slip dated 06.10.2020, have approached this Court seeking to remeasure the height, in W.P. No. (MD) 14177 of 2020 and the same was allowed vide order dated 20.01.2021. However, the appellant without approaching this Court for similar relief, has filed WP No. 4125 of 2021 only on 04.02.2021, after a delay of more than four months. In the mean time, the entire selection process has been completed by the respondents and therefore, the learned Judge has rightly dismissed the Writ Petition on the ground of delay and laches.

6. Adding further, the learned Senior Counsel appearing for the respondents submitted that as per the directions of this Court, the appellant's height was re-measured using Digital Height Measurement Device. To substantiate this, the proceedings dated 06.02.2023 has been produced before this Court which reads as follows;

“2.As per the oral direction of the Hon'ble High Court of Madras on 02.02.2023 you appeared before TNUSRB on 06.02.2023. The video graph of the height measurement test conducted on a Digital Height Measurement Device by the Sub Committee, Chennai on 06.10.2020 during the recruitment process was shown to you and thereafter your height was re-measured using Digital Height Measurement Device.

3. On 06.02.2023 according to Hon'ble High Court's oral direction, your height was measured to be 168.7 cm at 12.45 hrs.



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You appealed for re-measurement and sought time for an hour. You appeared at 14.00 hrs and your height was measured as 169.3 cm. Both the measurement were less than the required qualification. Further your request for another re-measurement in reference cited above cannot be considered by the Board.”

7. Thus, the learned Senior Counsel appearing for the respondents submitted that the appellant's height was less than the minimum requirement which was noticed even after measuring his height twice. Therefore, the learned Senior Counsel submitted that the order of the learned Judge does not warrant any interference by this Court and he prayed for dismissal of this writ appeal.

8. We have heard the learned counsel for the appellant and the learned Senior Counsel appearing for the respondents and also perused the materials available on record.

9. Undoubtedly, the appellant has participated in the selection process conducted by the respondents for recruitment to the post of grade II Police Constable, Grade II prison Jail Warden and Fire Fighter. The appellant successfully completed all the tests and he was provisionally selected and appointed to the post of Head Constable. However, in the parallel selection conducted by the respondents for direct appointment to the post of Sub-



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Inspector of Police, the petitioner was unsuccessful inasmuch as he did not possess the requisite height. Therefore, the appellant was disqualified for the post of Sub-Inspector of Police by proceedings dated 06.10.2020.

10. It is an admitted fact that the similarly placed persons who received identical disqualification slip dated 06.10.2020, have approached this Court seeking to remeasure the height in W.P.No.(MD) 14177 of 2020 and the same was allowed vide order dated 20.01.2021. The appellant did not seek such a relief immediately after receipt of the disqualification slip dated 06.10.2020, rather, he had preferred an appeal before the third respondent on 05.12.2020. Thereafter, he filed the instant writ petition in WP No. 4125 of 2021 on 04.02.2021 after four months of the intimation of his disqualification. In the meantime, it was stated by the respondents that the entire selection process has been completed. Hence, the learned Judge dismissed the writ petition on the ground of delay and laches. It is settled law that the Court gives relief only to those who are vigilant and not to those who sit on fence. Hence, this Court finds no error in the order, which is impugned herein.

11. Even otherwise, as per the directions of this Court, the appellant's height was re-measured and it was ascertained that he possesses the height of



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168.7cm at 12.45 hrs and 169.3 cm at 14.00 hrs which was less than the minimum requirement as per the notification. Therefore, we do not find any reason to interfere with the order passed by the learned Judge and there is no merit in the contentions urged on behalf of the appellant.

12. In the result, this Writ Appeal fails and is accordingly, dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

(R.M.D., J) (M.S.Q.,
16.02.2023

J)

ay/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

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