



W.P.(MD)No.2613 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2613 of 2023

and

W.M.P.(MD)Nos.2373 and 2374 of 2023

Surya

... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai.
 - 2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai.
 - 3.The Superintendent of Police/Sub Committee Chairman,
Opposite of Palayamkottai Old Bus Stand,
Palayamkottai,
Tirunelveli District.
- ... Respondents



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Prayer: Writ Petition is 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 disqualification slip dated 06.02.2023 issued by the third respondent and to quash the same as unsustainable and consequently to direct the respondents to re-measure the Chest of the petitioner and also permit the petitioner to participate in the subsequent selection process for the post “ Grade II Police Constable, Grade II Jail Warden and Fire Man – 2022” within a stipulated time that may be fixed by this Court in pursuant to the notification issued by the respondent vide advertisement No.02/2022 dated 30.06.2022.

For Petitioner	: Mr.R.Maheswaran
For Respondents	: Mr.Veerakathiravan Additional Advocate General Assisted by Mr.S.P.Maharajan Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned disqualification slip, passed by the third respondent against the petitioner vide his proceedings, dated 06.02.2023, with a consequential direction to the respondents to re-measure the chest of the petitioner and permit the petitioner to participate in the subsequent selection process for the post of Grade II Police Constable, Grade II Jail Warden and Fire Man – 2022.



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2. The learned counsel appearing for the petitioner would submit that the petitioner participated in the combined recruitment to the posts of Grade II Police Constable, Grade II Jail Warden, Fireman 2022. The petitioner possessed all the required qualifications and he applied for the aforesaid posts with an aim to get appointment in the respondent's Department. After scrutinizing the application made by the petitioner, the respondents issued admission card for the written examination, which was held on 27.11.2022. The petitioner was successful in the written examination and thereafter, the physical measurement test was conducted on 06.02.2023. The selection is under four categories, namely, (i) certificate verification, (ii) physical measurement test, (iii) physical efficiency test and (iv) efficiency test. The petitioner has also participated in the aforesaid physical measurement test on the above said date. As per selection notification, the qualified chest measurement is prescribed as 81 cms – Normal and Expansion 5 cms. Though the petitioner is having the prescribed chest measurement, the third respondent initially measured the chest measurement of the petitioner as 81 Cms.(Normal) and 85 Cms.(Expansion). Against which, the petitioner preferred an appeal before the appellate authority on the same day.



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However, the re-measurement was not done properly and the petitioner was issued with disqualification slip, dated 06.02.2023, which is not sustainable one and hence, prays for allowing of this writ petition.

3. Per contra, the learned Additional Advocate General appearing for the respondents would submit that qualified chest measurement is prescribed as 81 cms – Normal and Expansion 5 cms. However, the petitioner's chest measurement shows 81 cms(normal) and 85 cms(expansion). The petitioner requested for re-measurement and the re-measurement also shows the same measurement and hence, disqualification slip was issued to the petitioner and there is no irregularity or illegality in issuing the disqualification slip and hence, prays for dismissal of this writ petition.

4. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

5. The facts in the present case are not in dispute. Admittedly, the petitioner participated in the Tamil Nadu Uniformed Services



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Recruitment. The physical measurement and physical efficiency are very much required for the uniformed services, since the person, after recruitment, is going to maintain the law and order issue in the State of Tamil Nadu. Admittedly, the benchmark prescribed by the recruitment agency with regard to chest measurement is 81 cms – Normal and Expansion 5 cms and the person having the chest measurement below the prescribed measurement is not entitled to be selected in the uniformed services. When the potential candidates are available with the prescribed chest measurement level and when there is a dispute with regard to the petitioner's chest measurement, the petitioner cannot claim to select him and hence, the prayer sought for in the present writ petition cannot be granted.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13.02.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
pm



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M.DHANDAPANI,J.

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