



W.P.(MD) No.2684 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.2684 of 2023
and WMP(MD) Nos.2444 and 2445 of 2023

Alexpandian

... Petitioner

-VS-

1.The Chairman

Tamil Nadu 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

Tirunelveli Centre,
Opposite of Palayamkottai Old Bus Stand
Palayamkottai
Tirunelveli District

... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the entire records relating to the impugned disqualification slip dated 07.02.2023 issued by the 3rd respondent and to quash the same as unconstitutional 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 vie Advertisement No.02/2022 dated 30.06.2022.

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

ORDER

Challenging the impugned disqualification slip issued by the 3rd respondent and for a direction to the respondents to re-measure the chest of the petitioner and also permit him to participate in the subsequent selection process for the post “Grade II Police Constable”, Grade II Jail Warden and



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Fire Man 2022” within a stipulated time that may be fixed by this Court in pursuant to the notification issued by the respondent via Advertisement No. 02/2022 dated 30.06.2022., this writ petition has been filed.

2. The case of the petitioner is that he completed SSLC and Diploma in Mechanical Engineering. Pursuant to the notification dated 30.06.2022 issued by the Tamil Nadu Uniformed Servies Recruitment Board for the post of Grade II Police Constable, Grade II Jail Warden and fireman-2022, the petitioner has applied. On completion of the written examination, the petitioner was called for for Certificate Verification and physical standard verification on 07.02.2023. During physical test, after taking chest measurement as 78 cm in normal position, the petitioner was rejected stating that the chest measurement should be 81 in normal and 86 in expansion. However, on appeal to the third respondent, it was not considered. Hence, he preferred a representation on 07.02.2023. Since the same was not considered, the petitioner is before this Court with this writ petition.



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3. The learned counsel for the petitioner would submit that the petitioner's chest measurement is measured as 81cm(normal) and 87cm (expansion). After taking measurement by the officials, the petitioner appealed to the third respondent. However, without permitting the petitioner to file an appeal, they denied the right of appeal. Hence, challenging the disqualification, the petitioner is before this Court. The learned counsel would urge this Court to send the petitioner once again for physical measurement before the authorities within a reasonable time.

4. The learned Additional Advocate General would submit that initially when chest measurement was taken, it was 78 cm in normal position and expansion level, thereby the petitioner was disqualified at the initial stage and he also endorsed to the effect that he is not inclined to prefer appeal. However, he would submit that if the petitioner wants re-measurement, since the authorities are going to measure the COVID-19 patients shortly and the petitioner may also join along with them for re-measurement.



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5. In view of the fair submission made by both sides, the petitioner is directed to appear before the appellate authority on 27.02.2023.

If the petitioner appeared before the appellate authorities on that date, they shall carry out the measurement once again and pass appropriate orders.

However, this order is passed considering the facts and circumstances of the present case and it will not be shown as a precedent for any other case.

6. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

09.02.2023

NCC : Yes/No

Index : Yes/No

Office to Note: Order Copy on 10.02.2023

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M.DHANDAPANI, J.

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