



W.P.(MD)No.2791 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2791 of 2023

and

W.M.P.(MD)Nos.2547, 2552 and 2554 of 2023

M.Muralimaan

... Petitioner

Vs.

1.The Member Secretary,
Tamilnadu 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-8.

3.The Superintendent of Police/Sub Committee Chairman,
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, passed by the third respondent against the petitioner vide his proceedings dated 06.02.2023 and to quash the same and further directing the respondent to re-measure the height of the petitioner and permit the petitioner to participate 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-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 height of the petitioner and permit the petitioner to participate in the Physical Endurance Test and other



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recruitment process in the common recruitment to the post of Grade II Police Constable, Grade II Jail Warder, Fireman-2022.

2. The case of the petitioner is that the petitioner participated in the combined recruitment to the posts of Grade II Police Constable, Grade II Jail Warder, Fireman-2022. The petitioner possessed all 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, which was held in Tirunelveli. The petitioner belongs to BC community and as per selection notification, the qualified height to the BC candidates is prescribed as



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170 cm. Though the petitioner is having a height of 170 cm, the respondents initially measured his height as 169 cm, against which, the petitioner preferred an appeal before the appellate authority on the same day. In spite of the scale showed 169.5 cm, the respondents reduced the height of the petitioner to 168.5 cm, vide disqualification slip dated 06.02.2023. Challenging the same, the present writ petition is filed.

3.The learned counsel for the petitioner would submit that the issue that arises in the present writ petition is no longer *res integra*. In the decision of the Full Bench of this Court in ***A.Parthiban and Others Vs Tamil Nadu Uniformed Services Recruitment Board, Rep. by its Chairman (DGP) and Others*** in Paragraph No.42 (iii), it is made clear that if the person possessed 169.5 cm, the authority can give 0.5 mark and round off to 170 cm. However, in violation of the Judgment passed by the Full Bench of this Court, passing disqualification slip by the respondents as against the petitioner, is not sustainable. Accordingly, he prayed for allowing this writ petition.



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4. Per contra, the learned Additional Advocate General appearing for the respondents would submit that originally, the petitioner's height was measured as 169 cm, against which, he preferred an appeal and the appellate authority measured again as 168.5 cm. Even the decision relied upon by the learned counsel for the petitioner is not applicable to him, since the petitioner's height is 169 cm at initial measurement, even if 0.5cm is added in favour of him, it may not help the petitioner for his success in the physical measurement test. The petitioner has not satisfied the height measurement and hence, he was not allowed to participate in the chest measurement. Further, the decision relied upon by the learned counsel for the petitioner is only persuasive value and it is only a suggestion and it is not a direction. Accordingly, he prayed for dismissal of this writ petition.

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



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6. The facts in the present case are not in dispute. Admittedly, the petitioner participated in the Tamil Nadu Uniformed Services 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. It is also an admitted fact that the potential candidates are available with the height of more than 170 cm, when there is a dispute with regard to the petitioner's height as 170 cm or 169 cm and even the petitioner does not come to the benchmark prescribed by the recruitment agency. Admittedly, the benchmark prescribed by the recruitment agency is 170 cms and the person having the height of below 170 cm is not entitled to be selected in the uniformed services. Initially, the petitioner himself admitted that he scored 169 cm before the original authority. However, the appellate authority reduced it to 168.5 cms. As rightly submitted by the learned Additional Advocate General, even the decision of the Full Bench of this Court relied upon by the learned counsel appearing for the petitioner cannot be extended to the petitioner. Hence, the prayer sought for in the present writ petition cannot be granted.



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7. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

10.02.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To

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M.DHANDAPANI,J.

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